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NEGRO SUFFRAGE AND POLITICS IN
ALABAMA SINCE 1870

BY

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ABSTRACT

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"NEGRO SUFFRAGE AND POLITICS IN ALABAMA SINCE 1870"

This study, based primarily on private and official documents and on newspapers, describes the Negroes' role in, and influence upon, Alabama politics since 1870.

Enfranchised by the constitution drawn in pursuance of the first Reconstruction Act, the Negro--in uneasy union with the Carpetbaggers and Scalawags--helped to control Alabama for several years. The "white suprem^{or}acists" had abstained from voting and had prevented the constitution from securing a favorable majority of all the registered voters, but Congress decided it had been adopted by a majority of the votes cast. By playing the three groups against one another, the "conservative democracy" was able to gain control in 1874 and to write a constitution favorable to "white supremacy." For the next sixteen years these "Redeemers" tightened their hold on the state by various legislative acts--a development that was made easier by the continual decline of the Republican opposition.

The decade of the 1890's was marked by a lessening of the Democratic appeal for the Negro vote. Intra-party difficulties were accentuated by the Populist movement; the "white supremacy" appeal was stepped up; Populism was "absorbed" for the sake of unity; and the Negro was disfranchised in 1901.

Property qualifications, as well as "understanding" requirements, were imposed on potential Negro voters.

Generally, the numerous requirements were not enforced against the whites, and fraud and intimidation were added to the legal restrictions against the Negroes. The most difficult

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In the 1830's the Supreme Court began to undermine the right of the states to restrict the vote. In the primary, and in 1849 it struck down the law of the Alabama Constitution. This amendment was then replaced with

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Property qualifications, as well as "understanding" requirements, were imposed on potential Negro voters.

Generally, the numerous requirements were not enforced against the whites, and fraud and intimidation were added to the legal restrictions against the Negroes. The most difficult obstacles to overcome were the boards of registrars in each county: they had almost unlimited power to exclude from the voters' lists anyone they desired to exclude. For the years from 1901 to 1930 only a handful of Negroes were registered to vote in Alabama, and even fewer were actual voters.

In the 1930's the Supreme Court began to undermine the right of the party to determine the voters in the primary, and in 1949 it struck down the Boswell amendment to the Alabama constitution. This amendment was then replaced with the Voter Qualification Amendment of 1951. The new measure omitted the "understand and explain" clause of its predecessor and required the Supreme Court of Alabama to prescribe a non-discriminatory and uniform questionnaire to be filled in for all who applied for voter registration. To date, this measure has not been decisively tested in the courts. In spite of the maneuverings and restrictions of the "white supremacists," in the last twenty-five years about 40,000 Negroes have been added to the voters' lists. The number, however, is still far below what it was at the turn of the century.

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PREFACE

This study grew out of a long-time interest of the author in a general historical survey of Negro suffrage and the relation of the Negro to politics in the South. Accordingly, a master's thesis covering Negro suffrage in Georgia from 1877 to 1945 was completed in 1951. For a while there was hope that a more comprehensive study on Georgia could be made. However, the materials for such an investigation did not seem to be readily accessible.

In 1953 the author was employed at Alabama State College and happily discovered that most of the material needed for a study of the Negro in post Civil War Alabama politics was available in the Alabama State Department of Archives and History at Montgomery.

The purpose of this survey is to show the political condition of the Negro in Alabama after the Civil War and his relation to, and influence upon, state politics. It is impossible to understand Alabama's political history without viewing the Negro in his proper historical perspective. Whether in a passive or active role, the Negro has been a significant political figure--and seemingly so will remain for a long time to come. Much of the legislation passed in Alabama since the Civil War dealt with the Negro directly or indirectly.

Contemporary newspapers, manuscripts of a private

and public nature, and official records of the state and subordinate units have been the chief raw materials for this investigation. Most of these data were found in the Alabama State Department of Archives and History at Montgomery, the Tuskegee Institute Library, the Alabama State College Library, and the Montgomery Public Library. A few other independent sources in and out of the state were consulted.

The main source, contemporary newspapers, was partisan in nature. To offset--or to balance--this partisanship a large number of newspapers with different points of view has been used. The political orientation of the newspapers cited has generally been indicated.

Grateful acknowledgement is made of assistance from the following: Dr. Chase C. Mooney for inspiring and guiding this study; Dr. Maurice G. Baxter of Indiana University, Mrs. Bernice Smith Andrews, Mrs. Jo Ann Robinson, Dr. L. D. Reddick, Dr. Ralph Bryson, and Dr. Joseph T. Brooks of Alabama State College for their reading of various drafts of the typescript; Mrs. Mary L. Aiken and Miss Frances Hails of the Alabama Department of Archives and History, Mrs. Jessie P. Guzman of Tuskegee Institute, Miss Ollie L. Brown, Miss Frances M. Pollard and other staff members of the Alabama State College Library for graciously making available the materials in their libraries; and

last but far from least my wife and daughters for patient toleration of the inconveniences incident to the production of this work.

CHAPTER I

COUNTER-REVOLUTION, 1870-1874

Within a period of four years, 1870-1874--a portion of the decade following the Civil War in which Alabama was dominated by Scalawags, Carpetbaggers, and federal troops--the white man's movement or counter-revolution had placed him again in the political saddle in Alabama. He had diminished the rights of the Negro to the point of, but not quite, inviting federal intervention. He set in motion a plan to perpetuate white supremacy through the establishment of a white man's party and certain control devices. Negroes, unhappy with their position in the Republican party and frustrated over the assertion that they were not wanted in the party of their former master, retaliated against what they considered the unwarranted attitude of both parties; by memorializing Congress and by other means they showed their general dissatisfaction with the situation.

The first Reconstruction Act had permitted Alabama to call a constitutional convention as a part of the re-admission process. The members of this convention were to be chosen by universal manhood suffrage and were, among other things, to establish for Alabama a state government guaranteeing Negro suffrage. The military commander of the district, General John Pope, was ordered to register

those eligible in the state, and call for a vote on the question of a convention and the election of delegates. He decreed that boards of registration be created, and each board was to consist of two whites and one Negro.¹

Recommendations for the Boards of Registrars began to pour into the office of William H. Smith, the Union sympathizer appointed head of registration, Joseph C. Bradley, the leading North Alabama Republican, recommended the first Negro for registrar, Reverend Alfred Barnett, chairman of the colored Republican county committee of Huntsville.² Several other Negroes over the state were recommended; more were from North Alabama where the non-slaveholding whites were most embittered over Negro enfranchisement than from any other section. These "northern" whites contended that Negro enfranchisement would

¹Robert Rhodes, "The Registration of Voters and the Election of Delegates to the Reconstruction Convention in Alabama," Alabama Review, VIII (1955), 119; Walter L. Fleming, Civil War and Reconstruction in Alabama (New York, 1949), 478-89. Also, see United States Statutes at Large, XIV, 428.

²J. C. Bradley to Wager Swayne, April 17, 1867. In Wager Swayne Papers, Alabama State Department of Archives and History, Montgomery, Alabama. Also, see same to same, April 18, 1867. (All manuscript collections, unless otherwise noted, are in the Alabama State Department of Archives and History at Montgomery).

transfer political control to the southern part of the state.³

From the many recommendations, several Negroes were chosen county registrars: W. J. Bailey and Henry H. Craig for Barbour; Gabe Henry for Coffee; Alfred Thomas for Washington and Choctaw, and Nicholas Abercrombie for Tallapoosa. Other appointments included Henry Kinsey for Abbeville, William Shortridge and Allen A. Williams for Pickens, and Alexander Webb for Green and Hale.⁴

To encourage full registration, the registrars were allowed from fifteen to forty cents for each person registered. The registrars were directed to inform the Negroes and poor whites, who in general were ignorant of the duties of citizenship, of their political rights and the desirability of exercising those rights. Any kind of interference with registration, threatened or actual, was to be punished by a military commission.⁵ But in spite of the threat of punishment, some unscrupulous registrars, planters,

³Oscar M. Waring to Wager Swayne, April 25, 1867; John B. Collis to Wager Swayne, April 22, 1867, (Swayne Papers).

⁴Montgomery Advertiser, May 22, 1867; James M. Crockett to William H. Smith, August 9, 1868 (William H. Smith Papers); George E. Spencer to Wager Swayne, n.d.; C. W. Peirce to Wager Swayne, n.d. (Swayne Papers).

⁵Fleming, Reconstruction in Alabama, 489.

and politicians of both parties took advantage of the confused situation presented by the registration of ignorant electors and used unsparingly promises, threats, and subterfuges to control their votes.⁶

The registrars had not worked well together--some whites refused to serve with Negroes, and vice-versa--but their jobs were satisfactorily accomplished. More Negroes than whites had been enrolled: 104,518 to 61,295.⁷ Whites generally had been indifferent and resentful. Practically all officials, civil and military, were barred from registration by the sweeping order of General Pope which required the registrars to investigate the records of those who applied for registration. Then, as now in Alabama, the registrar would use his unquestioned discretion as to who would be registered and who would not.⁸

For the first time in Alabama's political history, the two political parties vied for the Negro vote preceding

⁶John W. Dubose, "Ten Years of Alabama History," in the Montgomery Advertiser, August 19, 1912; Samuel Gardner to O. D. Kinsman, July 9, 1867 (Swayne Papers).

⁷George H. Tracy to Wager Swayne, August 29, 1867; G. McGergy to Wager Swayne, August 30, 1867 (Swayne Papers); Montgomery Advertiser, June 13, July 20, 28, and September 3, 1867.

⁸Robert Rhodes, "Registration of Voters," 132-35; William A. Russ, Jr., "Registration and Disfranchisement Under Radical Reconstruction," Mississippi Valley Historical Review, XXI (September, 1934), 163-81.

the election. The Republican party took the chance of losing the white vote in the northern counties by appealing to and making promises to the Negro voters.⁹ The Conservative party at first thought of uniting in order to fight the Negro vote, but leading daily papers came out against such an approach. The Montgomery Advertiser said that under the circumstances it was better to keep away from party alliances until the inevitable Reconstruction passed away. It was finally decided to ask the Negro to vote with his friends for good government. Speakers, who supposedly understood Negroes, were requested to address colored voters as often as practicable.¹⁰

In the meantime, Negroes from twelve counties met in convention at Mobile on May 5, 1867, drew up a resolution, and proclaimed themselves a part of the national and state Republican party. They proposed that a standing army be called if there was mass discharging of Negroes from their employment, to inform Congress of such action, to recommend punishment for treason and attempted confiscation of property, and to make known that Negroes were denied the right to hold office and to sit on juries.¹¹

⁹Ku Klux Conspiracy: Testimony Taken by Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States (Washington, 1872), III, 228. Hereafter cited KK Conspiracy.

¹⁰Montgomery Advertiser, September 6, 1867.

¹¹W. E. Burghardt DuBois, Black Reconstruction, 1860-1880 (Philadelphia, 1935), 490. Also, see George Sharkey to O. D. Kinsman, October 26, 1867 (Swayne Papers).

For five days, October 1 to 5, 1867, the election on the question of holding a constitutional convention and the selection of delegates was held. There were charges and countercharges of fraud, vote buying and selling, threat of arrests, loss of jobs, and intimidations. Polling places and tickets were switched,¹² and in several areas troops were called out.¹³ In spite of hindrances, Negroes voted and refused to be bought. They carried a majority for the convention. Of the 90,283 votes cast for the convention 71,730 were Negro.¹⁴ At several polls Negroes served as officials¹⁵ and Negro speakers informed Negro voters of their rights.¹⁶ At the same time, Negroes took precautionary measures by arming and drilling.¹⁷

General Pope instructed the constitutional convention to meet at Montgomery on November 5, 1867. In attendance were twenty Negroes whose occupations ranged from

¹²Rhodes, "Registration of Voters," 139.

¹³A. M. Doman to Wager Swayne, June 14, 1867 (Swayne Papers).

¹⁴A. W. McNell to Wager Swayne, July 21, 1867 (Swayne Papers). Also see Charles Wallace Collins, Whither Solid South: A Study in Politics and Race Relations (New Orleans, 1947), 108.

¹⁵Charles Rodenberg to W. T. Hatchett, April 23, 1867 (Swayne Papers).

¹⁶George H. Tracy to O. D. Kinsman, July 1, 1867 (Swayne Papers).

¹⁷Lt. F. T. Adams to Major S. J. Green, July 22, 1867 (Swayne Papers).

field hands to lawyers.¹⁸ The occupations of seven were unknown. One-half of the Negroes could not write.¹⁹ But the educated ones were equal in debate and as intelligent as the best of their white colleagues. Yet on many issues they were victims of circumstances--forced into a coalition with Carpetbaggers and extreme Scalawags.²⁰

Of the Negro delegates, only Moses B. Avery of Mobile held an office of importance--assistant secretary of the convention. One other minor officeholder was Henry H. Craig, doorkeeper. Negro participation in convention activities was meager, though one or more Negroes served on every committee except three. James T. Rapier, the leader of the group, stressed moderation. He was opposed by Thomas Lee of Dallas County who wanted all of his rights immediately and was the only Negro serving on the important elective franchise committee. He signed the minority report.²¹

¹⁸Alabama Official Statistical Register (Montgomery, 1903), 125.

¹⁹Monroe N. Work, "Some Negro Members of Reconstruction Conventions and Legislatures and of Congress," Journal of Negro History, V, 63-125; Dubois, Black Reconstruction, 490-91.

²⁰Malcolm Cook McMillan, Constitutional Development in Alabama, 1789-1901: A Study in Politics, the Negro and Sectionalism (Chapel Hill, 1955), 132.

²¹Montgomery Advertiser, November 5, 1867; DuBois, Black Reconstruction, 491-92; McMillan, Constitutional Development, 123-26.

The majority report of this committee included the requiring of an oath to uphold the Constitution of the United States and of Alabama; to abandon the belief in the right of a state to secede; to accept political and civil equality regardless of race, and to deprive no man of these rights; and to refrain from attempting to injure another for past or present support of the government of the United States or of affiliation with any political party. Suffrage was to be granted to all males twenty-one and over who could satisfy the requirements, and to persons registered under the provisions of the first reconstruction act. The report further stated that everyone be limited to one vote and that neither party claim the absentees of the other.²²

Little debate took place over the suffrage provisions of the majority report because it was a foregone conclusion that Negro suffrage was the price of admission into the Union. The several proposed amendments to the report which would have limited the franchise to those who could read and write were defeated.²³ The ballot, with

²²Official Journal of the Constitutional Convention of the State of Alabama, Held in the City of Montgomery, November 5, 1867 (Montgomery, 1867), 30-35. Hereafter cited as Journal of the Convention of 1867.

²³Ibid., 45-46, 84-95.

some exceptions, was given to every male person twenty-one or more years old who had lived in the county for three months and in the state for six months. The delegates before dismissal were told that on their honor they had promised not to deprive any one of his liberties.²⁴

The eyes of the nation and of Congress were on Alabama because this was the first of the Reconstruction constitutions completed and submitted to the people. From the Headquarters of the Third Military District came the order that all boards of registration be instructed to select three good men--two white and one colored--in each election precinct to act as judges.²⁵ In some areas no white man could qualify because of the test oath which forbade any person to hold office who had aided in any way the Confederate cause. Two counties, Dale and Henry, failed to select judges because, so the Democrats contended, there were not enough of either race to qualify as officials at the polls.²⁶

On returning home from the convention, the Conservatives, taking advantage of the situation made possible

²⁴Montgomery Advertiser, November 18, 1867; The Constitution of the State of Alabama and Amendments (Wetumpka, 1943), 47; E. Merton Coulter, The Confederate States of America, 1865-1877 (Baton Rouge, 1947), 135.

²⁵F. Maline to Wager Swayne, August 7, 1867 (Swayne Papers).

²⁶Pierce Burton to William H. Smith, October, 1, 1867 (Smith Papers); Fleming, Reconstruction in Alabama, 542.

by the defeat of the ratification clause which would have disfranchised voters for not voting for the constitution, decided on a plan of abstention in order to defeat adoption of the constitution. James Hold Clanton, head of the Conservative party, called a meeting of the Executive Committee at the Exchange Hotel in Montgomery.²⁷ The Committee presented two addresses to the people, one to the colored and one to the white. The "colored" address appealed to the "intelligent" colored people to read carefully the constitution and warned that a government operating under it would work to their disadvantage. The whites were told that since there was not a chance of getting 84,000 votes (the number needed to defeat ratification), then ratification would have to be defeated by abstention. The address called any white man who supported the "unclean Negro minority constitution" a traitor.²⁸

Before the election--and at the polls--the Conservatives deterred, swindled, induced, and seduced the Negro and white voter.²⁹ Such tactics were successful. Though the constitution was favored 70,812 to 1,005, it was defeat-

²⁷D. W. McIver, "Forty Years in Alabama Politics," in Montgomery Advertiser, February 7, 1904.

²⁸K K Conspiracy, 227; John T. Milner, White Men of Alabama Stand Together, 1860-1890 (Birmingham, 1890); 49; Walker County Watchman, August 20, 1868.

²⁹H. N. Roberts to Wager Swayne, February 15, 1868 (Swayne Papers); Dubose, "Ten Years," Montgomery Advertiser, August 27, 1912.

ed because 84,000 favorable votes were required. Some 62,089 of the 95,000 Negroes registered voted for the constitution and 105 against it.³⁰ A short while later, Congress changed the law to make a majority of the votes cast sufficient for ratification, and on June 25, 1868, Alabama's Constitution was declared adopted. Alabama was soon re-admitted to the Union.³¹

The shock of the adoption of the constitution, the presence of the freedman and his blind adherence to the newly-formed Republican party, drove the disorganized whites--liberals and conservatives--into a Democratic union.³² Within this union and under the leadership of Clanton, the white man's movement was to emerge. The goal of this movement was "white supremacy." Whites who refused to join were ostracised.³³ In order to succeed it was deemed expedient to grant the Negro his rights before the courts, to convince him that his interests were tied to those of the white man, to woo him away from

³⁰Montgomery Advertiser, December 29, 1898. For voting by counties, see Jacksonville Republican, February 8, 1868.

³¹Congressional Globe, 40 Cong., 2 Sess., 3029, 3466, 3485; DuBois, Black Reconstruction, 493.

³²Hilary A. Herbert, "How We Redeemed Alabama," Century, LXXXV (1913), 854; Alexander White to William H. Smith, December 14, 1868 (Smith Papers).

³³William G. Brown, History of Alabama (New Orleans, 1903), 265; Margaret P. Farmer, History of Pike County Alabama (Troy, 1952), 65.

the Republican party, and thus destroy its lubricating fluid--its life's blood.³⁴

The main opponent of this newly-organized white movement was the Republican party. Prior to 1868, the Republican party was primarily a disorganized accumulation of Scalawags, Carpetbaggers, Negroes, and disgruntled Democrats whose motives were many and varied. The first efforts at consolidation were made during the election of 1868, at which time the leading roles in the party were assigned to the whites and supporting roles to Negroes.³⁵ The Freedmen's Bureau and its political arm, the Union League, were assigned the task of training the Negro, keeping him in line, and safeguarding his rights. The League, however, was more interested in safeguarding his votes. At first, the League appealed to Negroes through secret orders, but when this method no longer succeeded, more drastic means of ostracism and economic pressure were applied.³⁶

The first skirmish between these two newly-organized parties occurred during the presidential election of 1868. Republicans and Democrats fought for control of

³⁴Walter M. Jackson, The Story of Selma (Decatur, 1954), 257; McIver, "Forty Years", Montgomery Advertiser, February 7, 1904; Florence Republican, April 14, 1874.

³⁵Joseph Bradley to Wager Swayne, June 19, 1867 (Swayne Papers); Gerard Chautteau to William H. Smith, November 11, 1867 (Smith Papers).

³⁶Fleming, Reconstruction in Alabama, 425.

the Negro vote. The Republican party depended on the League to advise, to keep the Negro sober, and to see that he voted for Grant.³⁷ The Conservatives used the polls as a means of "controlling" the Negro vote. The number of polling places was kept at a minimum so as to discourage the Negro.³⁸ The next favorite method was intimidation--left exclusively to the Ku Klux Klan.³⁹

A few weeks prior to this election, the legislature, which in the next six years was to make the major decision of who would control Alabama, was called into special session by Governor William H. Smith who had been elected under the "rejected" constitution. Governor Smith asked the legislature to interpret the electors' oath written into the new constitution. The oath required voters to accept political equality of all men. He anticipated that the legislature would be in session not more than a few days; instead, it remained in session for three years--fully protected under the Reconstruction Act of 1867. Negro members of this legislature numbered

³⁷Montgomery Alabama State Journal, October 31 and November 2, 1868.

³⁸B. W. Morris to General R. Hayden, February 5, 1868 (Swayne Papers); O. A. Earnest to Wager Swayne, February 18, 1868 (Swayne Papers).

³⁹W. H. Rice to W. B. Figures, November 3, 1868 (Smith Papers); John Ward to William H. Smith, November 6, 1868; Judge G. Horton to William H. Smith, November 14, 1868 (Smith Papers).

thirty-five.⁴⁰ They held the offices of assistant clerk, engrossing clerk, assistant engrossing clerk, enrolling clerk, and page. They served on every committee except three. This legislature attempted to make Negro suffrage more secure by passing an election law to protect electors from fraud, bribery, and deceit at the polls.⁴¹

The election of 1870 brought to a close the "long" legislature. In its place, two legislatures--the Democrats under Robert Burns Lindsay, the "white man's" candidate, and the "Court House Legislature" under incumbent Governor Smith--assembled. Governor Smith retired and a compromise brought the two factions together with a Republican majority. In the shuffling of the seats, fourteen of the thirty Negroes present at the beginning of the conflict remained. Two Negroes, Charles O. Harris and W. H. Council, retained the positions that they held in the previous legislature. This session of the legislature was deadlocked so that very little was accomplished.⁴²

In the legislative sessions of 1873-1874, civil rights, election laws, election disputes, and Negro office-holding were burning issues. The Civil Rights Bill, which

⁴⁰Montgomery Daily Picayune, September 5 and October 9, 1868; Fleming, Reconstruction in Alabama, 738.

⁴¹Alabama Official Statistical Register (Montgomery, 1903), 125-27; Work, "Some Negro Members," 123.

⁴²Huntsville Republican, June 21, 1872.

guaranteed equal privileges on common carriers, in hotels, theaters, schools, cemeteries, and benevolent institutions incorporated under state law, was introduced in the House in 1873 by A. E. Williams of Barbour County.⁴³ A similar bill was before the Senate and was attacked by Jere Haralson, the Negro senator from Dallas County. Haralson accused the Republicans of having no intention of passing the bill; he described it as a smoke screen laid before election.⁴⁴

Incidental to the debate on civil rights in the House, Judge Richard Busteed, North Alabama Republican leader, encouraged his servant, Sam Johnson, to sit in a car by a white woman. He was ejected from the car, and he sued for \$20,000.⁴⁵ Negroes in the legislature ignored this incident and its intentional implications and generally opposed the Civil Rights Bill. However, a few thought that the bill might be a stepping stone to equality.⁴⁶ The Negro leader in the House, Green Shadrack Washington Lewis of Perry, called the bill a phony and its supporters "perjurers and tender footed proselytes" who remained in the

⁴³Mobile Watchman, September 9, 1873.

⁴⁴Montgomery Advertiser, August 27, 1874; Montgomery Advertiser and Mail, June 30, 1874.

⁴⁵Montgomery Advertiser, August 9 and 15, 1874.

⁴⁶Montgomery Advertiser and Mail, April 22, 1874.

party for money and office, and had no intention of passing the bill. When the bill came up for a second reading, Negroes defeated it. A similar bill in the Senate was also defeated.⁴⁷

A majority of the white legislators voted against the bill. They had been urged by the Democratic press not to degrade themselves, family, and race by supporting the bill, and if they did whites would stop patronizing and associating with them.⁴⁸ The Ku Klux Klan attacked Republicans who supported the bill, while on the other hand the Republican press denounced Negroes who voted against the bill.⁴⁹

The legislature of 1874 considered the problems of election disputes, election laws, and Negro officeholding. This legislature included twenty-five Negroes, twenty-four in the House and one in the Senate. Election disputes were considered first.⁵⁰ The House, acting on the returns from Barbour County, threw out three Negro Republicans and replaced them with Democrats. At Spring Hill where a Negro and white supervisor were in the process of counting the

⁴⁷Jacksonville Republican, August 15, 1874; Montgomery Advertiser, November 19, 1874.

⁴⁸Tuscaloosa Blade, June 28, 1874; Montgomery Alabama State Journal, June 15, 1874.

⁴⁹Montgomery Alabama State Journal, June 16 and July 15, 1874.

⁵⁰Grove Hill Clarke County Democrat, November 29, 1874; Montgomery Advertiser, November 17, 1874.

returns, unknown persons entered the room and destroyed the box and ballots. The House refused to consider the 732 Republican votes given from memory by the supervisors.⁵¹ Democrats were seated. A similar process took place in the Senate.⁵²

The legislature solved the election problem simply by passing a law which was aimed at the vulnerable weaknesses of the Negro--shifting of residence and the committing of petty crimes. The law made it a felony to deceive voters by placing the names of candidates for one party on the ticket of another. Voters were to be challenged at the polls as to proper residence; to swear that they had not already voted, and that they had not been found guilty of crimes that would disqualify them. It was estimated that the law would purge at least 1,000 Negroes from the voters list in Montgomery County alone.⁵³ But the thorniest problem of all was Negro officeholding, especially when the office was a major one. A Negro, R. B. Thomas, had been elected judge of the city court of Selma. The Senate passed a bill abolishing the court and hoped--in vain--that the House would concur before the court would

⁵¹Russell Reporter, November 24, 1874.

⁵²Montgomery Advertiser, December 5 and 9, 1874.

⁵³Montgomery Advertiser and Mail, December 6, 1874. For other provisions of the election law see House Journal (1872-1874), 382-86.

have a chance to meet for the first time. Judge Thomas refused to be intimidated or bought. He opened his court and heard a number of the 1,496 cases on record. He was accused of larceny, but the accusation was later dropped as hearsay.⁵⁴ The whites finally made out a case on other grounds; this time the prosecutor refused to prosecute. Late in the session the House finally concurred with the Senate and abolished the court. Other offices held by Negroes in Selma at the time were coroner and clerk of the circuit court. No definite policy on Negro officeholding was adopted by the legislature.⁵⁵

However, the party leaders, especially Democrats, were more interested in winning elections, controlling the Negro vote, and keeping at a minimum or completely prohibiting Negro officeholding. Both parties looked to the Negro to supply the necessary votes to stay in power and nothing more. The tempo of the fight for control was stepped up in 1870, at which time both parties used troops, promoted skirmishes, and scrutinized closely the Negro vote. Republicans lost control of the state.⁵⁶

⁵⁴Selma Times, (December 17, 1874; Herbert, "Re-deemed," 860.

⁵⁵Selma Echo, February 2 and 9, 1874.

⁵⁶Dubose, "Ten Years," Montgomery Advertiser, October 7, 1912; McIver "Forty Years," ibid., February 4, 1904; Mobile Republican, October 21, 1870.

In 1872 the Republicans planned to regain control and entrench themselves with the Negro. Two Negroes, Benjamin S. Turner (First District) and James T. Rapier (Second District) were selected to run for Congress. Several other Negroes, including George W. Lewis and Jeremiah (Jere) Haralson, were placed as candidates on the state ticket.⁵⁷ The platform asked for equal advantages in matters of public and common right.⁵⁸

The Democratic convention also drew up a platform designed to appease the Negro. It promised equal civil and political rights irrespective of color.⁵⁹

As the day of election drew near, Negroes generally listened to Republican pleas and promises. Those who showed inclinations toward the Democrats were threatened, called traitors, and intimidated. Negroes cast 97,823 of the total vote, 104,297. David P. Lewis, lawyer and former Douglas Democrat turned Republican, was elected governor, and the most important Negro elected was Congressman William S. Turner of the First District. The Republicans regained control.⁶⁰

⁵⁷Montgomery Republican Sentinel, October 31, 1872.

⁵⁸Herbert, "Redeemed," 860.

⁵⁹Montgomery Advertiser and Mail, September 14 and 19, 1873.

⁶⁰Montgomery Republican Sentinel, October 31, 1872; Montgomery Advance, November 11, 1872.

Following the election, Alabama had to contend for two months with rival "legislatures." Due to the extreme closeness of the vote for members of the legislature, and because of the numerous contested elections, both parties claimed a working majority and proceeded to assemble at the Capitol and the United States Court House.⁶¹ The deadlock was broken when Congress approved the plan of Attorney-General Williams which so combined the rival bodies that the radicals had a majority in both houses.⁶²

Exuberant over the success of their efforts to return to power in the state, the Republicans, relying on the assumption that Negroes were not "ready" politically and owed allegiance only to the Republican party, ignored the demands of the Negroes for a greater share of the spoils and offices.⁶³ This was a mistake. In order to achieve their demands, escape control of rings and cliques, and protect their rights, Negroes organized the "Equal Rights Union," an opposition wing in the party, and set in motion a 6,000-man militia. Whites accused them of disrupting two hundred years of quiet race relations.⁶⁴

⁶¹Robert S. Henry, The Story of Reconstruction (New York, 1951), 78.

⁶²Fleming, Reconstruction in Alabama, 755; Work, "Some Negro Members," 72.

⁶³Montgomery Alabama State Journal, January 21, 1874.

⁶⁴Ibid., March 18, April 29, and July 13, 1874.

This rift started by Negroes on the state level trickled down to the Republican county conventions, with most of the conventions taking a favorable stand on the Negro's position. They endorsed civil rights, advocated that Negroes serve on juries, and were unanimous in accusing the Democratic party of stirring up race hatred in order to confuse the issues.⁶⁵ James T. Rapier, Negro Congressman who replaced Benjamin S. Turner, spoke to several of the county conventions. He endorsed civil rights but discouraged the advocating of mixed schools.⁶⁶

On July 23, 1874, the Republican state convention was held at Montgomery. A state ticket was selected and a resolution called for the stopping of outrages against Republicans in the Black Belt. The platform was designed to recapture the lost white vote rather than the Negro. The desire for race mixing, as well as the assertion that colored people wanted to invade white rights, was denied.⁶⁷

Seven days later the Democratic convention assembled at Montgomery. The convention chose "white supremacy" as

⁶⁵Florence Republican, April 14 and August 11, 1874; Jacksonville Republican, August 15, 1874.

⁶⁶Florence Murray, The Negro Handbook (New York, 1949), 226; Congressional Record, 43 Cong. 2 Sess., Part 2 (January 28, 1875 to February 23, 1875), 1001.

⁶⁷Montgomery Alabama State Journal, August 8, 1874. The Montgomery Advertiser called the convention a meeting of overseers because they did not look after the welfare of the Negro--instead it was packed against him. August 22, 1874.

its theme, and selected "no middle ground" George S. Houston of Limestone to be the standard bearer. The platform denied the right of Negroes to hold office, to social equality, and the need for civil legislation.⁶⁸ The convention was in sympathy with the idea of the county conventions--denying the suffrage privilege to all Negroes and ostracising or treating as enemies all whites sympathetic toward Negro rights. Later, a slogan, "State first, myself last; don't sacrifice the State," was added. White men's clubs were organized over the state.⁶⁹

In the "twenty hell week" election campaign both parties called for peace at the polls and then proceeded to say and do everything to the contrary. At the polls, force, intimidations, fraud, and even murder occurred.⁷⁰ The pawns were 80,000 registered Negroes. The Democrats were successful. Much of this success was due to the Democratic newspapers which threatened, coerced, and frightened the poor whites, and appealed to the Negroes to stand shoulder to shoulder with their white friends.⁷¹

⁶⁸McIver, "Forty Years," Montgomery Advertiser, February 29, 1904; Montgomery Alabama State Journal, July 30, 1874.

⁶⁹John B. Clark, Populism in Alabama, 1874-1896 (Auburn, 1927), 12; Montgomery Advertiser and Mail, July 4-14, 1874; Greenville Times, September 15, 1874.

⁷⁰Fleming, Reconstruction in Alabama, 780; Gadsden Times, October 11, 1874; Montgomery Alabama State Journal, March 3, June 2, July 29, October 4, 9, 10, 24, and 25, 1874.

⁷¹Montgomery Advertiser, August 29, 1874; Russell Recorder, August 3, 1874.

Some of the "control" methods referred to in general terms above are deserving of a more detailed treatment. From 1869 to 1874 the most potent deterring force to Negro voting in Alabama was the Ku Klux Klan and similar organizations; however, other effective methods practiced were intimidation, subterfuges, ballot box stuffing, riots, and "treating" with alcoholic beverages.

The Ku Klux Klan prevailed in north Alabama, while in the south and the west its associates, the White Camellia, White League, White Caps, and Regulators, were dominant. All of these societies set "white supremacy" as their goal. Members of the Klan had to promise never to vote for a Negro and never to refrain from voting at an election in which colored opposed white.⁷² Sheriffs, probate judges, justices of the peace, members of the jury, and many other civil officers were counted in the Klan's ranks.⁷³

Silence and non-violence, the original pledge of the Klan, did not remain long the practice. In order to win the election of 1874, the Klan threw caution to the wind and made the election years, 1870-1872, seem like child's play. New pledges and oaths were demanded from

⁷²K K Conspiracy, 229.

⁷³A. A. Smith to William H. Smith, June 3, 1870; General A. H. Terry to William H. Smith, January 22, 1869; Jacob Miller to William H. Smith, February 25, 1869 (Smith Papers).

the members. Death was declared to "nigger equality."⁷⁴ Negroes and whites were intimidated, whipped, threatened, and murdered. Two outstanding Negro Republican leaders, Walter P. Billings and Tom Ivey, were murdered. The situation became so critical that the federal government sent troops into Alabama.⁷⁵

In spite of the threat of federal interference, the Klan proceeded according to the strategy outlined in the "Belmont Peace Move"--the brain child of Sheriff E. Williamson of Sumter County. The basic object of this plan was to frame Negro leaders and charge them with inciting mob action. The most outstanding example of this strategy in action was the Choctaw Conner War of August 13, 1874.⁷⁶

A hasty decision on the part of the whites set off this so-called war in which all of the casualties were Negroes. Someone conveniently started a rumor that "General" Jack Turner, the leading Negro Republican in the county, was holding meetings and arming two hundred followers. Informed of one of these meetings of the Jack Turner

⁷⁴Colonel A. Clayton to William H. Smith, May 28, 1869; J. F. Tracy to William H. Smith, July 27, 1869 (Smith Papers); Susan L. Davis, Authentic History of the Ku Klux Klan, 1864-1877 (New York, 1924), 37.

⁷⁵Montgomery Alabama State Journal, October 11, 14, 24 and September 9, 1874.

⁷⁶Ibid., August 23 and October 18, 1874.

Republicans, the whites went to the house of Edward Turner, fired on the occupants, and killed ten Negroes. Later, and at a more opportune time, Jack Turner and several of his followers were arrested on charges that the minutes of their meetings exposed a plot to massacre all whites in the area. A "kangaroo" court found Turner guilty as charged, sentenced him to be hanged, and proceeded to execute him in the court house yard. Turner's secretary was hanged to a tree by his thumbs. The whites hoped to extract enough information from him to verify the plot found in the confiscated minutes. Nothing of importance was gained from this cruel act. Other members of the Turner faction placed in jail were released later when some doubt arose as to the authenticity of the minutes.⁷⁷

Other methods were used effectively to keep the Negro--and in many instances poor whites--in line. The practice of intimidation was common to both parties, but when it came to economic pressures, the Republicans found themselves at a disadvantage since more than seven-tenths⁷⁸

⁷⁷E. Turner and Jack Turner to Governor David P. Lewis, August 21, 1874 (David P. Lewis Papers); Montgomery Alabama State Journal, August 23, 1874; Montgomery Advertiser, October 4, 1874. Also, see Choctaw Courier, August 27, 1882; Butler Courier, August 30, 1882.

⁷⁸John Shiplev Tilley, The Coming of the Glory (New York, 1949), 161; Allen White to William H. Smith, January 2, 1869 (Smith Papers).

of the Negroes were employed by the Democrats, who in turn lost no time exploiting this unfortunate worker for political gain.⁷⁹

The civil officers, mostly Democrats turned Republican for the sake of office, were often the worst offenders against Negro rights--rights they had sworn to uphold. They took advantage of the carelessness and ignorance on the part of the Negro where law and politics were concerned.⁸⁰ No wonder then that a great deal of the success of the white man's movement depended on these peace officers.⁸¹

Whiskey was dispensed freely to the voters and poll attendants. It was the practice to give the freedmen all they could drink and when they were drunk to cheat them out of their ballot. Another effective method was to set barrels of whiskey before the Negroes the night before election and encourage them to drink all they could hold; then the next day the polls would be closed before the drunks could sober up and cast their ballots.⁸²

⁷⁹William Miller to William H. Smith, September 28, 1870 (Smith Papers); Myrta L. Avery, Dixie after the War (New York, 1906), 291.

⁸⁰R. A. Wilson to William H. Smith, November 17, 1868; John H. Wager to William H. Smith, November 23, 1868 (Smith Papers).

⁸¹Charles Hays to William H. Smith, September 15, 1870 (Smith Papers).

⁸²Montgomery Alabama State Journal, February 2 and September 14, 1874; L. W. Mosely to William Smith, September 26, 1868 (Smith Papers).

Subterfuges were invented to deceive the ignorant colored voter. Democrats, disguised as Republicans,⁸³ persuaded Negroes to vote for Republicans who had sold out to the Democrats, changed the labels on the tickets, and quickly closed the polls if several Negroes were present. The method preferred by both parties over all others was ballot box stuffing. Since the tissue ballot could be manipulated to fit any occasion, it was the most used for this purpose. Usually the box would be stuffed the night before election or while it was being taken from the polling place to the office of the probate judge.⁸⁴

If all the above methods failed to deter determined Radical Negroes, then there was always the easily provoked and dependable riot--extensively used during the white man's movement. Three significant riots occurred at Huntsville, Eutaw, and Eufaula.⁸⁵ In the first two--comparatively mere skirmishes--several Negroes were killed or wounded. At Eufaula, the militia had been alerted and the armory left open. When a minor incident occurred at the polls, the militia opened fire on the Negroes. Four Negroes and William Kiel, the son of Republican Judge Kiel, were killed.

⁸³John R. Hornady, The Book of Birmingham (New York, 1921), 21-23, 124, 125-26.

⁸⁴J. T. Hays to William H. Smith, June 18, 1868 (Smith Papers); Avery, Dixie, 289-90; Montgomery Advertiser, September 13, 1874.

⁸⁵Fleming, Reconstruction in Alabama, 685.

Sixty Negroes and ten whites were wounded. The result was the termination of the Reconstruction period in Barbour County.⁸⁶ The facts seem to show that as the white man's movement progressed toward achieving its aim of "white supremacv," controls became gradually worse.

What of the Negro? Cornered, bewildered, exploited by the above methods, and sometimes leaderless, the Negro fought back to the best of his ability. Provocations were many and mistreatment of the Negro reached such proportions that there was much urging, even by Democrats, for the calling of the legislature into special session to deal with the problem.⁸⁷ Negroes formed armed bands, held secret meetings, and drilled (sometimes in the wee hours of the night) in at least eight Black Belt counties.⁸⁸ This activity by the Negroes and the rumor that they were storing Sharps rifles, threw consternation into the hearts of the whites. Leading Negroes denied these charges.⁸⁹

⁸⁶Anne Kendrick Walker, Backtracking in Barbour County (Richmond, 1941), 255-64; Eufaula News, February 28, 1874.

⁸⁷Daniel Prince to William H. Smith, October 7, 1868; A. W. Dillard to William H. Smith, June 5, 1869; Robert Fearn to William H. Smith, June 5, 1869 (Smith Papers).

⁸⁸Petition of ten citizens of Blandon Springs, Choctaw County to Robert M. Patton, January 1, 1868 (Robert Patton Papers); A. P. West to Wager Swayne, July 21, 1867; E. A. Bradley to Wager Swayne, August 7, 1868 (Swayne Papers).

⁸⁹John A. Wager to William H. Smith, August 16, 1870 (Swayne Papers); Montgomery Advertiser, September 16 and 17, 1874.

Whites began to inquire concerning Negro arms; tension mounted and the results were open skirmishes at Belmont, Huntsville, Tuscaloosa, Lowndesboro, Mobile, and in Baldwin County between blacks and whites.⁹⁰ The situation became so bad in some areas that the governor sent troops to restore order. Judge A. Dillard of Eutaw placed 700 Negroes under arms after whites declared open war on them in the area. After the election of 1874, federal troops--stationed in principal cities of Alabama to keep the peace--were withdrawn and law enforcement became the responsibility of the governor and local civil officers.⁹¹

Negroes retaliated further through petitions, clubs, and memorials. They contended that Republicans had deceived, imposed upon, and connived against them, and that though a majority of the party, they did not receive a fraction of the offices. The "Equal Rights Association" charged the Democrats with violence and of instigating a war of extermination. Finally, a memorial stated that Negroes enjoyed only partial political and civil rights; that violence, assassinations, lynchings, and threats to deprive of employment were used to deny the Negro his full rights; and that denial to Negroes of seats on the jury made the

⁹⁰Sheriff A. E. Moore to William H. Smith; August 1, 1870; D. W. Grabb to William H. Smith, August 12, 1870 (Smith Papers); Herbert, "Redeemed;" 861; Montgomery Advertiser, September 12, 17, and 22, 1874.

⁹¹Mobile Register, September 12, 1874; Citizen of Baldwin County to Governor David P. Lewis, October 4, 1874 (Lewis Papers).

rendering of justice against whites impossible.⁹²

The role of the Negro leader throughout this period was an uncertain one. According to a contemporary Negro writer,⁹³ the Negro leader was the aristocrat of his race. He felt, as the white Bourbon felt, that politics was the only profession for a gentleman. Although the Negro leader was elated over the prospect of enfranchisement, he was at the same time beset with fears. He knew that the Negro was unprepared to assume the duties of citizenship and that a long period of training was in store for him. At the same time he feared that the franchise might be lost because of the unreliable support of the "opportunist" party which sought to use him for selfish motives. In order to cope with this unreliable Republican party, the Negro leader often became a "turncoat," rather an opportunist himself, advising his constituents as to what move would best serve their interests--⁹⁴ not always to the advantage of the Republican party.

Benjamin S. Turner, James T. Rapier, and Jere Haralson, Negro Congressmen, were inspired to seek office by the

⁹²Executive Document No. 64, 43 Cong., 2 Sess., December 22, 1874; Herbert Aptheker, A Documentary History of the Negro People in the United States (New York, 1951), 600-604; DuBois, Reconstruction, 495.

⁹³Booker T. Washington, The Story of the Negro (New York, 1940), 36; James T. Rapier to Robert Patton, August 28, 1867 (Patton Papers).

⁹⁴Elsie M. Lewis, "The Political Mind of the Negro, 1865-1900," Journal of Southern History, XXI (1955), 195-200. See W. H. Council on "Negro Voting," Montgomery Advertiser and Mail, March 14, 1874.

efforts of A. Forman, a shoemaker and the first negro to seek public office in Alabama. Benjamin Turner, born in North Carolina, was brought to Alabama where he remained a slave until emancipation. He was a livery stable owner, councilman, and tax collector. Though he amassed a fortune, his education was meager; he was barely able to "scratch" his name.⁹⁵

Turner was chosen to the Forty-Second Congress. During the first session he was inactive and inarticulate. Later he introduced three bills, one of which proposed to remove all political and legal disabilities from ex-Confederate leaders. No action was taken on any of the bills. He was successful in getting two private pension bills approved. He had two speeches printed. One of them dealt with the cotton tax, the other with public buildings in Selma. He supported the test oath, mixed schools, civil rights, and the franking privilege. In 1872, he was defeated primarily by a bolt in the party led by Philip Joseph, Negro Republican leader of Mobile. He died March 21, 1894.⁹⁶

Benjamin Turner was succeeded by James T. Rapier who

⁹⁵Tilley, Coming of the Glory, 168; Selma Southern Argus, June 29, 1877; Biographical Directory of the American Congress, 1774-1949 (Washington, D. C., 1950), 1936. Hereafter cited as Biographical Directory.

⁹⁶Samuel D. Smith, The Negro in Congress, 1870-1901 (Chapel Hill, 1940), 79-81; Arthur Williams, "The Participation of Negroes in the Government of Alabama," M. A. thesis, Atlanta University (August, 1946), 16; Mobile Register, October 15, 1870.

was born the son of a free planter in Florence, Alabama, and educated in Canada for the bar. During his fruitful political life he helped to write the first platform of the Republican party in Alabama; represented Lauderdale County at the constitutional convention of 1867; was defeated for the office of secretary of state in 1870; was appointed collector of internal revenue in 1871; served as notary public, state representative, Alabama's commissioner to the Vienna Exposition, and Congressman. He championed civil rights in the Forty-third Congress. He opposed mixed schools. He was defeated for a second term to the Congress by Jere Haralson, the next Negro Congressman from Alabama. He died at Montgomery, May 31, 1883.⁹⁷

Haralson was the last Alabama Negro to sit in Congress. He was born in Georgia in 1846, the slave property of John Walker. Later, he was sold on the block to J. Haralson, Selma, Alabama. Haralson taught himself to read and write after he was set free. He became a minister of the gospel and as early as 1868 made an unsuccessful bid for Congress. In 1870, he was elected to Alabama's House of Representatives and in 1872 to the Senate. In 1875, he was elected to the Forty-Fourth Congress and served with minor success. He was insolent, uncompromising, irritat-

⁹⁷George W. Williams, History of the Negro Race in America (New York, 1885), 582-83; Biographical Directory, 1719; Congressional Record, 43 Cong., 1 Sess., 74.

ing, and bold, but considered by the Mobile Register, South Alabama's leading Democratic paper, to be the most prominent Negro in the state. He later served in the customhouse at Baltimore, in the interior department, and in the pension bureau. After 1912, he moved to Colorado and engaged in coal mining. He died in 1916.⁹⁸

Among the lesser known politicians were Caesar Shorter, the Democratic leader of the state and former slave who received his political training as a servant in the State House;⁹⁹ Philip Joseph of Mobile, editor of the Mobile Republican and Secretary of the Mobile Republican Central Council;¹⁰⁰ Jim Pinkston of Montgomery, the shrewdest and most admirable of the Radicals; and W. H. Council, enrolling clerk of the Alabama Legislature, president of a state college and lecturer.¹⁰¹

Relatively few of the important political offices in the state were filled by Negroes, yet both intellectuals and illiterates were recommended for several. The few offices held were usually in communities and counties pre-

⁹⁸Biographical Directory, 1265; Williams, History of the Negro Race, 581. For Alabama Negroes elected to Congress from other states, see Harold F. Gosnell, Negro Politicians (Chicago, 1935), 167.

⁹⁹Montgomery Advertiser and Mail, June 30, 1874.

¹⁰⁰Mobile Republican, March 23, 1872; Montgomery Alabama State Journal, June 11, 1874.

¹⁰¹Montgomery Advertiser, August 22, 1874; Henderson H. Donald, The Negro Freeman (New York, 1952), 212-22.

dominantly Negro. Dallas County, for instance, had Negro commissioners, judges, justices of the peace, and policemen. Sumter County had a sheriff, solicitor, and minor officials.¹⁰² From a national standpoint Alabama Negroes were appointed to civil service jobs on railroads, in customs houses, and as receivers of public monies.¹⁰³

The Negro Democrat for this period was an oddity. Yet, the Republican party persistently drove some Negroes into the Democratic fold. In reality no Negro could truthfully claim to be a Bourbon Democrat, an adherent of "white supremacy." The Democratic policy denied everything that the Negro wanted: officeholding, spoils, and equality within the party.¹⁰⁴ Democrats, generally supported by the press, took cognizance of the situation created by the Republicans and invited the Negro Democratic leaders, Caesar Shorter and Levi Ford, to address the Democratic convention in 1868;¹⁰⁵ they aided Democratic Negroes in lawsuits,

¹⁰²H. W. McVay to Wager Swayne, June, 1868 (Swayne Papers); Citizens Petition to Governor Robert M. Patton, June 25, 1868 (Patton Papers); Hilary A. Herbert, ed., Why the Solid South? or Reconstruction and Its Results (Baltimore, 1890), 53-54; Jackson, Story of Selma, 264.

¹⁰³W. C. Gaskin to David P. Lewis, December 2, 1874 (Lewis Papers); Montgomery Alabama State Journal, May 15, 1869.

¹⁰⁴Montgomery Alabama State Journal, July 12 and September 15, 1874.

¹⁰⁵Florence Republican, August 23 and 26, 1874; Tilley, Coming of the Glory, 164; Herbert, Solid South, 44.

and protected them at the polls. This was as far as the Democrats were willing to go. It was not far enough. A majority of the Negroes made it clear that a few crumbs from the Democratic political table were not enough to attract them or to buy their organized support.¹⁰⁶

To obtain rights and justice in the law courts and seats on the jury were the greatest obstacles for Negroes to mount. Justice was seldom obtained where both litigants were Negroes with one side favored by whites and almost never obtained if one of the litigants happened to be white. Custom and law denied the validity of Negro testimony.¹⁰⁷ When selecting jurors, judges refused under the threat of removal from office, suspension, or salary reductions to use Negroes. In short, neither threats nor Reconstruction Acts could guarantee nor secure full justice for Negroes in the courts.¹⁰⁸

A summary view of the period shows that Negro rights and privileges varied according to a favorable or unfavorable attitude of the whites--an attitude influenced by the

¹⁰⁶Walker, Backtracking, 237; S. W. Jones to William H. Smith, September 21, 1870 (Smith Papers); Montgomery Advertiser and Mail, November 18, December 3 and 4, 1874.

¹⁰⁷Mobile Register, August 18, 1865; Arthur B. Moore, History of Alabama (Tuscaloosa, 1951), 461-62; Mayor Slough of Mobile to Governor Lewis E. Parson, August 11, 1866 (Parson Papers).

¹⁰⁸J. H. M. Donald to Robert E. Patton, February 24, 1868; John Moore to Robert E. Patton, March 28, 1868; same to same, April 23, 1868; F. S. Lyon to Robert E. Patton, March 30, 1868 (Patton Papers).

federal government, Negroes themselves, and human prejudice.¹⁰⁹ Generally before 1870 Negro participation in lawmaking and politics did not encounter a large scale organized resistance. Many whites maintained and worked toward securing for Negroes justice before the law, equal protection of property, some education, and the granting of the ballot to those intelligent enough to use it--a kind of guarded limited civil rights. Most whites denied the validity of Negro testimony and the right of Negroes to sit on juries. Negro state officeholders were generally resented but such resentment was not so openly shown toward Negro federal officeholders. After 1870, the above granted limited rights could not be made to coincide with the theory of "white supremacy" of the white man's movement. Thus, Negroes were challenged in the exercise of those rights and threatened with complete loss of them unless they submitted to complete white control.¹¹⁰

¹⁰⁹Alfred H. Stone, Studies in the American Race Problem (New York, 1908), 253; L. A. Minnis to William H. Smith, May 5, 1870 (Smith Papers).

¹¹⁰John Elliott to William H. Smith, August 28, 1863; Petition of colored people to William H. Smith, September 8, 1868 (Smith Papers); John Silby to Wager Swayne, June 21, 1867 (Swayne Papers).

CHAPTER II

ENTRENCHMENT OF THE GENERALS

By 1875, leaders of the white man's movement had considered the deterioration and defection of the Negro to Republicanism and decided that the time had come for legal entrenchment of the principles of white supremacy. However, there still existed a latent fear of federal intervention if the Negro was completely disfranchised. So, the "Generals" concluded that since they could control the Negro and use the threat of his domination to keep the white ranks solid, there was no need for complete disfranchisement; furthermore, in case of a close election the Negro vote could be manipulated to advantage.

With these thoughts in mind, the Alabama Legislature was called into session under the administration of George S. Houston, the white man's candidate. The legislature promptly appointed a committee to report on the question of a constitutional convention.¹ The committee recommended that the question of a convention and a slate of delegates be put before the people on the first Monday in August, 1875. It was a foregone conclusion that the Republicans could not defeat the measure and that the Negro

¹Montgomery Advertiser, January 24, 1875.

could be ignored.²

Newspapers over the state supported the convention measure. The Selma Echo, Eufaula Times, and the Birmingham Iron Age declared that "political Canaan was at hand," unless Negro voting and the "alien" constitution were abolished.³ The Scottsboro Herald, Florence Gazette, Union Springs Times, and the Talladega Watchtower urged all whites to vote as a unit for the convention.⁴ The Birmingham Independent wanted an economic squeeze placed on the Negro to keep him from voting against the convention.⁵ The Mobile Register, Wilcox Pacificator, and the Selma Weekly Republican for economic reasons were opposed to a convention.⁶ Rather surprisingly, the leading Republican organ, the Montgomery Alabama State Journal, advised against any organized move to defeat the convention.⁷

On the other hand, the Republican Executive Committee advised its supporters to vote against the convention. It challenged the Democrats to show cause for a convention

²Ibid., February 16, March 4 and 12, 1875.

³Birmingham Iron Age, May 20, 1875.

⁴Quoted in the Montgomery Advertiser, March 31 and August 6, 1875.

⁵Ibid., April 4, 1875.

⁶Ibid., March 31, May 28, and June 5, 1875.

⁷Montgomery Alabama State Journal, October 12, 1875.

when amendments to the constitution in force would serve as well. It accused the Democrats of failing to justify the increased burdens of debt and taxation entailed by a convention and of advocating the abolition of the public schools and imprisonment for debt.⁸

The Democrats took exception to these accusations and issued a "White Address" to the people. The Address promised to protect Negro rights and public schools, It denied that property requirements for voting would be added, that white supremacy was the goal, that a "color line" had been drawn, and that property exemptions would injure propertyless Negroes.⁹ Governor George Houston and John T. Morgan, Alabama's leading senator, reiterated the above assertions on a speaking tour of the state. The Democrats accused the Republicans of arraying rich against poor, Negroes against whites, and nominating the most "bigoted" Negroes for office in the hopes of defeating the convention.¹⁰

On August 3, 1875, the people voted, 77,763 to 59,928, to call a convention. The total vote of 137,691 was 63,355 short of the vote cast in the election of 1874

⁸Montgomery Advertiser, June 16, 1875.

⁹Ibid., July 8, 1875.

¹⁰Ibid., July 18, June 5 and 16, 1875; McMillan, Constitutional Development, 177-79.

which returned the Bourbons to power. The enthusiasm shown in 1874, during the struggle of the white man to return to control of the state, had subsided by 1875. The white man had, in a sense, become complacent.¹¹ The Negro, bewildered by the inconsistency shown by the Republicans, refused to be manipulated by the party and in at least four Black Belt counties voted a majority for the convention. Four Negroes were elected to the convention. One of them, George S. W. Lewis of Perry, ran against two whites and won by a vote of 3,388 to 1,183 for both of his opponents. He served on the amendment committee.¹²

On September 6, 1875, the convention got under way at Montgomery. The president, Leroy P. Walker, former Secretary of War in the Confederate Government, requested the convention to protect all classes and to guarantee civil rights to all men of whatever race, color, or previous condition of servitude.¹³

After routine organization, the convention was thrown

¹¹Election Returns for Alabama, 1875. In the Alabama Department of Archives and History, Montgomery, Alabama.

¹²Work, "Some Negro Members," 64-65; Clarke County Democrat, September 16, 1875.

¹³Journal of the Convention of 1875. Recorded in the House Journal (1874-1875), 5-6; Montgomery Advertiser, September 7, 1875.

open for the introduction of proposals, most of which died in the appropriate committees.¹⁴ The Negro members of the convention had relatively little to do. The issue that they could have defended, Negro disfranchisement, was not considered in the convention; it was an accepted fact that such a move would invite federal intervention. Every male person twenty-one years of age was granted the ballot subject to the regular exceptions--mental incapacitation, crime, etc. The "free and equal" clause of the bill of rights was changed and educational or property qualifications for suffrage or officeholding were forbidden.¹⁵

In the campaign for ratification both parties appealed to the Negro voter. The Democrats told the Negro that if the constitution was defeated, the legislature would regulate suffrage as it pleased. Republicans used the Negro preacher as the medium to tell the Negro that the new constitution would make him poorer and would destroy the free ballot.¹⁶ Negroes split along party lines: the Democrats supported the constitution, and the Republicans advocated rejection.¹⁷

¹⁴Journal of the Convention of 1875, pp. 12-35.

¹⁵Ibid., 30, 43, 47, 50, 57.

¹⁶Montgomery Advertiser, October 10 and November 11, 1875.

¹⁷Ibid., October 9 and November 5, 1875.

On November 16, 1875, the constitution was ratified by a vote of 85,662 to 29,217. A majority of Negroes quietly voted against the constitution, thus causing at least four Black Belt counties to fail to ratify the document. One of them, Dallas, was lost because of the genius of the Negro Congressman, Jere Haralson. The ex-Confederate Generals and the white supremacists were now legally entrenched. The reins of control were now definitely in their hands.¹⁸

Though firmly entrenched, the Generals were determined to make more secure their hold on the election machinery in the state, to maintain sufficient control over the Negro and poor whites to guarantee future elections, and to perpetuate the Democratic party. To achieve these purposes, the Democrats turned to the legislature which they controlled,

The legislature that assembled after ratification of the constitution considered a memorial of the Republican members of the legislature sent to Congress, a memorial from Wilcox County citizens, and an election law. The Republican members of the legislature in a memorial to Congress had accused the Democrats of inaugurating voluntary servitude, of passing a "Sunrise Bill" which prohib-

¹⁸Ibid., November 16 and 17, 1875; Birmingham Iron Age, November 18, 1875.

ited Negroes from buying and selling agricultural products after sunset, of gerrymandering, and of setting bonds so high that elected Republicans could not make them.¹⁹ A state Senate investigating committee called the memorial unjustifiable, false in its inferences and allegations, a libel and slander.²⁰

Deciding that the Senate committee report was sufficient, the legislature next considered the memorial from the white citizens of Wilcox County which asked relief from a commission composed of two Radicals and an "illiterate, ignorant negro"--used as a tool to defeat the wishes of the whites. The commission was abolished.²¹ The election law passed by the legislature was aimed more directly at the vulnerable spots of the Negro and the federal government. Larceny, grand or petit, was made a penitentiary offense; voters were required to swear to their place of residence and that they had not voted more than once on

¹⁹Montgomery Advertiser, February 25 and March 6, 1875; Senate Journal (1875), 621-26.

Memorial of the Republican members of the Legislature of Alabama, February 15, 1875, Senate Miscellaneous Documents, No. 107, 43 Cong., 2 Sess. In December, 1874, a convention of Negroes in Montgomery memorialized President Grant to interfere in their behalf. The President took no action on the request. House Executive Documents, No. 46, 43 Cong., 2 Sess.

²⁰Senate Journal (1875), 621.

²¹Montgomery Advertiser, January 27, 1875; Senate Journal (1875), 654.

the day of election; and state elections were moved from November to August in order to lessen the possibility of federal interference.²²

The following sessions of the legislature passed more laws designed to maintain the Democrats in power. In 1879, an attempt was made to give the voters secrecy at the polls.²³ In 1881, the Negro was counted along with the whites in determining representation.²⁴ This move helped to give dominance to the Black Belt. By 1882, the legislature was pondering the idea of making education co-extensive with voting. From 1882 to 1890 no other major control measure was passed by the legislature.²⁵

At this point, matters to consider are parties and their manipulations of elections. The Democratic party consolidated its ranks by demanding the allegiance of all whites. All questions likely to give rise to differences of opinion among the whites were taboo; divisions of opinions as to candidates, issues, and even personal ambitions

²²Montgomery Advertiser, March 16, 1876; Selma Southern Argus, February 16, 1877; Acts of Alabama (1876-1877), 156-63.

²³Frances Roberts, "William Manning Lowe and the Greenback Party in Alabama," Alabama Review, V (1952), 100-121.

²⁴Montgomery Advertiser, March 18, 1881.

²⁵Montgomery Weekly Democrat, December 12, 1882; Montgomery Advertiser, January 2 and March 21, 1889.

were never to reach the ballot box. Unfitness for office was to be overlooked for the sake of harmony. It was a crime not to vote and treason to organize the Negroes--except to control their votes. The Executive Committee of the Democratic party made all policies and selected all candidates.²⁶ It selected George S. Houston of Limestone to run for governor in 1876.

The only continuous and organized opposition to the Democrats came from the Republican party. Its strength varied from election to election, and in numerous instances it was overshadowed or absorbed by independent movements or splinter parties. The party was weakened considerably after the election of 1874 and the entrenchment of the Generals. However, some Republican leaders hoped to make a comeback with support from the Whigs and others opposed to an ultra-conservative Bourbon policy. What they overlooked were the constant defection of the Negro from the Republican party, his reassertions of independence, and the control of the Democrats over the Negro vote at the polls.²⁷

The defection of the Negro from the Republican party made its debut during the election of 1876. It was

²⁶Mobile Register, February 5, 1887; Moore, History of Alabama, 580.

²⁷Allen J. Going, Bourbon Democracy in Alabama, 1874-1890 (University, 1951), 49.

this election that completely removed the Negro from the lawmaking body of the state. The Republicans were blamed for this loss. The Negroes entered this election dissatisfied with their representation in the party caucuses and offices since they were the majority in the party. A majority of the Negro leaders, along with a few whites, broke away from the white officeholders and illiterate masses, and formed the Smith-Rice wing of the party.²⁸ The deserted portion of the party formed the Spencer wing. Both factions chose candidates for governor. Before election time, Alexander Curtis, Negro senator from Perry County and candidate for Congress, and others managed to heal the split and a compromise "Independent" ticket headed by Judge Noadiah Woodruff, Selma planter, was drawn up.²⁹

The Democrats called the "Independent" ticket a trick "hatched in a den of thieves at a buzzards' feast." The Negroes were accused of drawing the color line and voting against their friends.³⁰

²⁸Montgomery Advertiser, August 6, 1874; December 1, 1875; July 7 and 30, 1876.

²⁹McIver, "Forty Years," Montgomery Advertiser, November 25, 1904; Montgomery Advertiser, July 14, 1876.

³⁰Montgomery Advertiser, May 14, 15, 16, 17, June 11, 12, 13, 14, 15, 16, July 30, August 1, 3, and November 5, 1876. Also, see Jacksonville Republican, April 28, 1877.

The election was held on August 7, 1876. Houston, the Democratic candidate, won over Woodruff by a vote of 99,298 to 55,852.³¹ Negroes, in spite of intimidations by their own race and by white Radicals, voted the Democratic ticket in at least five Black Belt counties.³² In Sumter County 500 Negroes voted Democratic tickets. In several counties, polls in dominant Negro wards were not opened. It seemed that Negroes either voted with their friends or were counted with their friends.³³ Republicans lost seventeen seats in the house and eight in the senate.

The Radicals accused the Democrats of stealing the election through fraudulent methods, the Negroes of deserting the party and of "striking the blow of Brutus." One Radical went so far as to say that the cause could have been better advanced by the timely killing of a dozen or more of freedmen.³⁴ The Radicals intentionally or unintentionally overlooked Negro dissatisfaction with representation in the party caucuses and offices and the declaration by Negro leaders that the Negroes would not vote

³¹Montgomery Advertiser, August 24, 1876.

³²Ibid., September 17, 1876; Clarke County Democrat, July 20, 1876; Livingston Journal, August 16, 1876.

³³Going, Bourbon Democracy, 51.

³⁴Montgomery Advertiser, April 19, August 19 and 23, 1876.

for an "Independent" ticket. The Negro's dissatisfaction over representation was valid in more ways than one. In Elmore County, for instance, Negroes cast 1,400 of the 1,450 Radical votes, yet all white candidates were chosen to attend the state convention. In Montgomery County, 7,000 Negroes were allowed ten votes in the county convention. Madison County gave all the patronage to whites even though the Negro vote was 2,000--the white only 300. The Radicals further neglected to consider the effects of the pleas of the Democrats to the Negro to vote with their white friends and the economic pressure that the Democrats could apply as employers of Negroes.³⁵

In the November election, two Negroes, Jere Haralson and James Rapier, were defeated for a seat in Congress. Rapier nullified Haralson's chance by running for the same seat. Negroes served as United States Deputy Marshals at the polls, and their presence, along with troops, was resented by the Democrats.³⁶

The Democratic party prior to the election of 1878 moved farther toward open recognition of the Negro Democrat than at any time before. This change in attitude was probably influenced by national scenes. The North and South were supposed to have reached the point where both saw

³⁵Ibid., September 17, 1876.

³⁶Ibid., November 11, 1876.

eye to eye, economically and racially. The industrial capitalists of the North gave the Bourbons of the South a free hand over the Negroes in return for southern local and Congressional encouragement and protection of their investment--a sort of modus operandi.³⁷ For the first time Montgomery's Democratic organization selected two Negro delegates, James A. Scott and John W. Allen, to attend the state convention. Also at Montgomery a Radical county ticket was defeated for the first time since Reconstruction.³⁸

On May 30, 1878, Fred S. Ferguson, a Democratic leader, introduced the Negro delegates, Scott and Allen, to the state Democratic convention. There were some members who objected, but the convention seated the Negroes by a vote of 260 to 229. Scott addressed the convention and then he and Allen retired from the convention--the last two Negroes ever to be so honored by a Democratic convention in Alabama.³⁹ The convention attempted to iron out the ruffled feeling created by this incident by pledging to protect Negro rights. Rufus W. Cobb, prominent lawyer, was chosen standard bearer for the party.⁴⁰

³⁷C. Vann Woodward, The Strange Career of Jim Crow (New York, 1955), 35. Also, see John Dollard, Caste and Class in a Southern Town (New York, 1937), 207.

³⁸Montgomery Advertiser, April 3, August 12 and May 17, 1877.

³⁹McIver, "Forty Years," Montgomery Advertiser, May 9 and September 18, 1904.

⁴⁰Ibid.; Birmingham Iron Age, June 5, 1878.

The Republican party split into factions, white versus black. This fission ran all the way from the grass root conventions to the state convention. The Negro faction opposed a coalition of Independents and Greenbacks and advocated a state ticket for Republicans only.⁴¹ When the white faction at the state convention failed to name a state ticket, the Negroes broke away and formed a second convention. A full state ticket headed by the prominent Negro, James Knox P. Lucas, was selected. At Selma, Jere Haralson was chosen again to run for Congress.⁴²

A mild campaign followed. The Greenbacks, instead of the Republicans, were the butt of Democratic epithets because of their overtures toward the Negro. Such an attack proved unwarranted since the Negro majority voted the Democratic ticket anyway. The Negro vote helped to place Perry and Dallas counties in the Democratic column for the first time since 1865. Credit for this Negro switch went to James A. Scott, the Negro who had refused to take his seat in the Democratic convention and editor of the Montgomery Advance. The all-Negro ticket fared badly. James Knox P. Lucas won only 105 votes in Mont-

⁴¹Selma Southern Argus, June 22, 1877; Mobile News, July 4, 1878; Mobile Register, July 19, 1878.

⁴²Montgomery Republican Sentinel and Haynesville Times, October 5, 1878.

gomery County--fewer or none in other populous counties. In Jefferson County, Negroes voted solidly for the Greenback coalition. Negro leaders blamed each other for the poor showing; especial blame was placed on Major Ann Pollard, the only Negro woman leader in the party who ran for the legislature from Montgomery County.⁴³ The Democratic party had completely lured the Negro away and captured another election. President Hayes, commenting on the election, said that the Negroes had been deprived of their right of citizenship.⁴⁴

From 1880 to 1890, Democratic conventions became routine affairs. It was taken for granted that the Negro knew his place and would therefore remain under Democratic control. Candidates, by and large, were hand picked, and every loyal white man was expected to support them without question. The Republican party remained split, black versus white, with the Negroes growing more determined to share in the spoils or run their own show.⁴⁵

Preceding the election of 1880, Negroes took over or bolted Republican county conventions.⁴⁶ They refused

⁴³Birmingham Iron Age, July 10 and August 7, 1878; Montgomery Advertiser, August 6, 7, 8 and 9, 1878.

⁴⁴Montgomery Advertiser, December 3, 1878.

⁴⁵Allen J. Going, "Critical Months in Alabama Politics, 1895-1897," Alabama Review, V (1952), 269-81.

⁴⁶Montgomery Advertiser, May 2-13, 1880.

to support a Negro-inclined Fusionist ticket,⁴⁷ set up an all-Negro state ticket, and sent anti-administration Republican delegates to the national convention at Chicago.⁴⁸ At the polls, they seemed to have heeded the advice of Negro leaders like William H. Council and paternalistic whites and voted the Democratic ticket. Again they defeated or rejected the all-Negro ticket. The Negro carried the Black Belt into the Democratic column. The Republicans cried fraud and proceeded to file affidavits charging the same.⁴⁹

Republicans became alarmed at the defection of the Negro and initiated a re-entrenchment program. Negroes were told that they owed their vote to the Republican party and that Republicans were the only ones to protect the natural rights of the Negro.⁵⁰ The program was undermined, however, by the refusal of the party leaders to grant a minor share of the spoils to the Negroes. In the November election Negroes generally voted the Democratic ticket in spite of the opposition from some members of their own ranks. The Democrats had lost no time in feasting and making promises to the Negro. Through the efforts of William

⁴⁷Clark, Populism, 25.

⁴⁸Montgomery Advertiser, June 6, 7 and 8, 1880.

⁴⁹Montgomery Weekly Democrat, August 4, 1880.

⁵⁰Montgomery Alabama Republican, September 18, 1880.

H. Council, Lowndes County entered the Democratic column by a majority of 1,400 votes. Democrats won the election and Republicans again cried fraud.⁵¹

Before the election of 1882, Negroes split into two factions and held two state conventions. The Black and Tan convention contained about one third officeholding whites --"puppeteers"--who pulled the strings. Negroes were permitted to hold all the offices in the convention and do all of the talking. This convention endorsed the Greenback candidates and platform--"free ballot and fair count."⁵² The second convention was composed of Negroes only. A resolution was passed that declared their independence of white party control and set as a goal the securing of rights commensurate with their political weight. The Democratic ticket was endorsed.⁵³ Jere Haralson, G. R. Millen, and Merritt House were to run for Congress.⁵⁴

The Butler Courier called the all-Negro convention the "new regime."⁵⁵ Other newspapers praised the Negro

⁵¹Montgomery Weekly Democrat, October 13, 1880; Mobile Republican, October 20, 1880; Montgomery Advertiser, August 8-15, and November 15, 1880.

⁵²Montgomery Advertiser, July 7 and 14, 1882.

⁵³Ibid., July 11, 1882.

⁵⁴Ibid., July 22, August 4, 5, September 22, and October 6, 1882; Butler Courier, July 19 and October 28, 1882.

⁵⁵Butler Courier, October 28, 1882.

for beginning to think and vote his convictions; furthermore, they said if he chose to vote the Democratic ticket he would be protected, not disfranchised.⁵⁶ At least one paper warned the whites against the return of "Negro rule."⁵⁷

In the campaign the Greenbacks were confident that a majority of Negroes and whites would vote for them because of their platform and the popularity of their candidate, William M. Lowe.⁵⁸ But to their surprise a majority of Negroes ignored the command of the Republican Executive Committee and voted the Democratic ticket. The Greenbacks, however, mustered twenty-two seats in the legislature, their greatest showing so far.⁵⁹ Negroes generally remained hostile to coalition tickets. They preferred straight Republican or Democratic tickets.

Following the election of 1882 many Negro leaders regretted swallowing the Democratic line. They accused the Democrats of opposing the elevation of the colored race, of counting it out at the polls, of perpetuating the convict lease system, and of excluding Negroes from

⁵⁶Montgomery Advertiser, March 19, April 1-10, 1882; Montgomery National Independent, December 31, 1882.

⁵⁷Talladega Reporter and Watchtower, August 2, 1882.

⁵⁸Roberts, "William Manning Lowe," 119.

⁵⁹Montgomery Advertiser, July 4, 8, 12, 15, September 24, and November 12, 1882.

the jury box. The return of these able Negro leaders to the Republican fold could not, under the circumstances, stem the splitting tide which by then seemingly had become a Republican habit.⁶⁰ Separate delegations were sent to the Republican national and state conventions. Neither faction put out a state ticket and some members of both supported the "Fusionist's Peoples Anti-Bourbon Party."⁶¹

The campaign was quiet and unimpressive.⁶² Barbecues to attract Negroes were held by Democrats here and there over the state.⁶³ The Democrats won hands down. Negroes refused to follow their leaders and voted the Democratic ticket. The only real opposition to the Democrats developed at Mobile where the party's seats were contested by an "Independent," Frederick G. Bromberg, whose assertion that the race issue was a thing of the past in Alabama won him several colored votes.⁶⁴

Prior to the November election, Negroes bolted the Republican party and set up a Congressional ticket headed

⁶⁰Montgomery Weekly News, November 15, 1884.

⁶¹Montgomery Advertiser, March 7, 17, 29, April 2, 8, 9, and 10, 1884; Clark, Populism, 27.

⁶²Talladega Reporter and Watchtower, August 13, 1884.

⁶³Birmingham Age-Herald, August 7, 1884.

⁶⁴Goins, Bourbon Democracy, 56; Montgomery Advertiser, November 16, 1884.

by Jere Haralson. White Republicans ignored "Lily White" opposition and attempted to woo the Negroes back into the fold by placing three Negroes, John W. Jones, Allen Alexander, and Andrew H. Jackson, on the state ticket. Whites in the Democratic party were reminded that they were not supposed to support a racially mixed ticket.⁶⁵

Jere Haralson fared very well in the election. He received 1,683 votes; his white opponent won with a slightly higher number. After Democrats discovered that Negroes were determined to vote an uncontrolled ballot, they closed the polls where Negroes were more numerous than whites.⁶⁶ A few polling places were re-opened by Negro civil servants. Armed whites surrounded the polls but did not interfere. Probably because of this independent resurgency of the Negro, a Democratic majority of 6,000 in August shrank to 2,800 in November.⁶⁷

Many Democrats expressed fear that the Negro might leave the state and party because of the admitted acts of fraud and intimidation at the polls. Negro newspapers said that the Negro could only feel uneasy and distrustful of those who professed to be his friends. The Democratic

⁶⁵Montgomery Advertiser, September 9, 10, 11, 12 and October 22-28, 1884.

⁶⁶Ibid., November 11, 12, and 13, 1884.

⁶⁷Ibid., November 14 and December 2, 1884.

Executive committee blamed the election system.⁶⁸ Senator John T. Morgan attempted to sooth the fears of the Democrats. He said that the Negroes were happy under white control and that they were not likely to become permanently unhappy about the triumph of the Democrats because their freedom of mind and body were secured by the Democrats.⁶⁹

The anxiety of many Democrats over the Negro vote was well-founded. The Negro issue, thought buried ten years before behind the door of white solidarity and supremacy began to filter through rents in that door made by an innate defection in the white solidarity plan. For the first time since the Bourbons came to power, they were confronted with a contest over seats in the state Democratic convention. Delegates representing independent factions contested the seats of the stalwarts from Greene, Lowndes, and Morgan counties. The Negro was not directly involved here but the implied possibility that an independent faction might appeal to the Negro for help sent the Bourbons into a state of hysteria. Four years later their fears were confirmed.⁷⁰

By 1886 the remainder of the Negro Republican lead-

⁶⁸Montgomery Weekly News, November 15, 1884;
Mobile Register, November 11, 1884.

⁶⁹Talladega Reporter and Watchtower, December 10, 1884.

⁷⁰Montgomery Advertiser, July 9, 1886.

ers like Jere Blevins, lecturer and considered the shrewdest politician in Alabama, and Philip Joseph of Mobile had become thoroughly disgusted with Democratic tactics and practices toward Negroes and returned to the Republican party. Eleven Negroes were now members of the Republican Executive Committee.⁷¹ At the Republican state convention, which was about half white and half colored, it was decided to put out the first state ticket in ten years. Negroes acquiesced.⁷²

Apparent harmony within the Republican party netted 28,688 votes for its candidate, Arthur Bingham, the famous Scalawag.⁷³ The "fair count" slogan of the splinter parties--Prohibitionist, Greenbacks, Independents--failed to attract many Negro votes, and the Prohibitionists were completely disillusioned. Democrats received 144,857 votes.⁷⁴

The illusory picture of harmony faded in the national election of 1886. Negroes, dubbed Judases by the Republican party, offered their own candidate, Ben Turner, for Congressman from the Fourth District. Turner polled 2,518 votes to 18,441 for his two white opponents. Negroes supported Turner mainly to show their dissatisfaction at the way the Republicans ran the August elections. They felt

⁷¹Huntsville New South, June 23, 1886.

⁷²Montgomery Advertiser, June 8 and 25, 1886.

⁷³Going, Bourbon Democracy, 59-60; Montgomery Advertiser, August 6-24, 1886.

⁷⁴Mobile Register, August 6, 1886.

that they had been "used" by the Republicans.⁷⁵

Failure to win the national election did not impede the resurgence of the Negroes. They had had some success on the state level.⁷⁶ They were determined to help run the show or get out of the party. Whites reacted by barring Negroes from their conventions or holding meetings which Negroes could not attend. Such a move on the part of the whites initiated the practice of designating the factions in the Republican party as "Black and Tans" and "Lily Whites." The former faction was composed of white officeholders and Negroes. In theory at least, the latter was composed of whites only. In practice whenever the necessity arose, the "Lily Whites" invited Negroes to participate in their councils and in one election ran a mixed ticket. Sometimes, Negroes withdrew from both white dominated factions to form an all-Negro party of their own.⁷⁷

In the August election of 1888, Negroes won at least two offices, coronorship at Tuscaloosa and a constablenesship at Birmingham. In Green County, two Negroes, James S. Jackson and Matthew Sneed, received almost enough

⁷⁵Mobile Register, October 16, 1886; Montgomery Herald, October 16, 1886.

⁷⁶Birmingham Negro American, February 5 and 12, 1887.

⁷⁷Montgomery Advertiser, March 6, May 3-6, June 18, July 7, 8, 9, and 26, 1888.

votes to be elected to the legislature. For the November election Negroes offered Q. William Harvey to oppose William C. Oates, the white Democratic governor chosen in the August primary, and Frank H. Threat, colored leader from Mobile, as candidate for Congress.⁷⁸

On the day of election, Negroes generally supported their candidates but their support was not enough to overcome the ingenious Democratic machine. Whites in Baldwin County suddenly ran out of ballots when a large number of Negroes showed up at the polls. The trick was defeated when an unknown Negro slipped over to Mobile on the tug "Anna" and brought back a number of Republican ballots. Negroes at Mt. Mein, White Hall, and several places in Lowndes County opened the polls when whites refused. All Negro candidates lost.⁷⁹

In the November election, the Negroes caused a great deal of confusion in the white Democratic ranks by offering a Negro opponent to the white man nominated in the August primary. This act was considered a challenge to "white supremacy"--an attack on the "citadel." The "Lilly White" element ignored this move by the Negroes and took the attitude of leaving the "dam niggers to themselves." Other Republicans felt that the Negroes should get out of politics

⁷⁸Ibid., May 3-6, June 28, July 7-9, October 23, and November 1, 1888.

⁷⁹Ibid., October 19, November 2-8, 1888.

and leave it to white men.⁸⁰ But to many Democrats the threat was real, and the election of Benjamin Harrison as President of the United States made the threat a calamity. Senator John T. Morgan urged Alabama to agree to a cut in representation in order to get the Republicans to promise to disfranchise the Negroes.⁸¹

What Morgan and the Democrats did not know was that President Harrison had been sold on the idea of eliminating the Negro from politics so that Alabama would have two white parties. Harrison assured the "White Republican Tariff League" that he would not appoint any Negro to any consequential office. Ranking "Lily Whites" were appointed by him to the most lucrative offices in the state.⁸²

Negroes set aside the plan of the "Black and Tan" faction to send a mixed protest committee to President Harrison. Instead they sent an ultimatum of their own and a delegation. The ultimatum said that if Negroes did not receive greater recognition in the party, they would quit. President Harrison merely asked them to be patient; however, the delegation returned, disgusted with him.⁸³ But they had not considered the influence of Henry J. Europe, Re-

⁸⁰Ibid., November 9, 1888.

⁸¹Ibid., November 13-20, 1888; Tuscaloosa Times, November 11, 1888; Selma Times, November 11, 1888.

⁸²Goins, "Critical Months," 271; Montgomery Advertiser, April 2-28, 1889.

⁸³Montgomery Advertiser, April 11, 28, and May 12, 1889.

publican Negro from Mobile, and Robert A. Moseley, Chairman of the Republican Executive Committee of Alabama, or President Harrison. Harrison relying on their advice appointed Charles Hendley, colored editor of Huntsville, as Receiver of Public Monies. Many other Negroes were assured positions when Moseley took over as head of the Internal Revenue office.⁸⁴

The whites in the party became alarmed at what appeared to be fence straddling by the President. Several of the whites in the "Black and Tan" faction quit and joined the "Lily Whites." They said that they feared Negro domination. Apparently, the President had pleased neither side.⁸⁵

The "Lily White" faction--which in reality included practically all whites in the Republican party--was as old as the party itself but not so active until late in the decade. Being a minority in the state, it had to suffer political relations with the Negro or die--a sort of mouse-control-elephant affair.⁸⁶ The faction's greatest fear, also held by the Democrats, was Negro sharing of the spoils and Negro domination. Therefore, down through the years the "Lily Whites" embraced any movement that offered relief

⁸⁴Ibid., June 2, 9, 10, 11, 13, and 14, 1889.

⁸⁵Ibid., July 3 and August 18, 1889.

⁸⁶Ibid., September 25, 1874; January 10, April 6, 9, 10, and 11, 1889.

from the Negro menace.⁸⁷ Later, cries of disfranchisement by the Democrats found attentive ears among the "Lily Whites." However, then, and seemingly now, the Republican party was a nullity without the Negro.⁸⁸

Nor was all well within the Democratic party. The whisper of complete disfranchisement of the Negro could not stem the growing discontent in the Democratic ranks loosed by the Greenback party and other splinter groups. The double talk of the Democratic leaders to Negroes and on the Negro question fooled no one. Perhaps unaware of it at the time, the party had a bear by the tail. To let go would be throwing the Negro vote to the highest bidder; to hold on was risking complete destruction from within. The party had a few more years to make a decision as to whether to continue to corral the Negro vote or to eliminate it completely.⁸⁹

Throughout this period all parties, Democrats in particular, had relied on control devices, legal and illegal, to keep the Negro vote manageable--and in the most docile decade of Negro political participation.

Legal practices relied on most heavily were, the poll tax, gerrymandering, election laws, increased appoint-

⁸⁷Ibid., June 9, and July 7, 1889.

⁸⁸Ibid., February 10, 1889.

⁸⁹Clark, Populism, 25; Montgomery Advertiser, March 30, April 11, 12, 13, 14, and 19, 1889.

ive power of the governor, and the power to abolish offices of the city and county governments. The poll tax was one of the oldest devices used but was the least effective since a defect in the law permitted Negroes and poor whites to vote without showing tax receipts.⁹⁰ Before 1890 practically every Black Belt county was gerrymandered into the "Old Fourth" Alabama District.⁹¹ Election laws instituted a challenging system at the polls. For instance, there was the use of "plain piece white paper" ballots; the denial of the ballot to those guilty of "petit larceny" (interpreted as "grand larceny"); the abandonment of requiring corresponding numbers for voter and ballot--these things prevented an accurate probe into fraudulent elections. At will, the legislature increased the appointive power of the governor so that unwanted elected officers could be replaced by him, and abolished offices when Negroes or undesirable whites obtained them.⁹²

In the shadow of legality was the practice of placing bonds for public officials so high that local Repub-

⁹⁰E. M. Keils to William H. Smith, February 9, 1869; Alexander White to William H. Smith, January 2, 1868 (Smith Papers); Montgomery Alabama State Journal, February 5, 1875.

⁹¹Montgomery Republican Sentinel and Haynesville Times, October 5, 1882; McMillan, Constitutional Development, 222.

⁹²Talladega Reporter and Watchtower, August 2, 1882; Going, Bourbon Democracy, 35; McMillan, Constitutional Development, 223.

licans and Negroes could not sign them and then prohibiting anyone outside of the county from becoming a surety. If the bond could not be met, the office was declared vacant and a Democrat would be appointed by the governor. If the white or colored Republican officeholder were successful in finding a bondsman, the governor would abolish the office.⁹³ Also under the shadow of legality of their authority, public officials intimidated, coerced, threatened, and whipped Negroes in order to keep their votes under control.⁹⁴

Fraud, intimidation, and riots were the main three illegal methods practiced. Fraudulent practices were ballot box stuffing, vote buying, bribery, subsidizing judges, moving polling places overnight, giving only two minutes to mark long ballots, padding returns, and stealing ballot boxes.⁹⁵

Fraud was followed by intimidation and was practiced on black and white alike. White Republicans were ostracized, their businesses boycotted, and their homes burned. Negroes lost their employment and in many instances were forced to

⁹³John Dollard, Caste and Class, 208-09; Mobile Register, August 30, 1880; Henry L. Moon, Balance of Power; The Negro Vote (Garden City, 1948), 70.

⁹⁴Montgomery Advertiser, September 3, 1876; September 7, 1878; December 2, 1884; August 7 and July 28, 1888.

⁹⁵Ibid., August 15, 1875; Birmingham Christian Advocate, March 23, 1893; Montgomery National Union, December 13, 1882.

leave the state. However, when the two methods above failed to get results, the easily provoked mob was always close at hand and ready to act.⁹⁶

The mobs acted on the slightest provocation as mentioned in the Choctaw Conspiracy above.⁹⁷ In another case the Democrats concocted the name of an insurrectionist, "Little Jack Little," to terrorize the Negroes and keep them from registering and voting. The whites claimed that "Little" was organizing the Negroes, teaching them to vote, and advising them to raise the cost of their labor. Several Negroes were arrested on the pretext that they fitted the description of "Little", but they were later set free. Whites, feigning fear, organized militias and terrorized Negro neighborhoods.⁹⁸ At Selma the whites raised a mob and stormed the office of the Independent, the Negro newspaper, because the editor said that Negroes were just as capable of governing as the white man. The Negro editor was run out of town. By this move the whites hoped to paralyze the political news center of the "Black Belt."

⁹⁶Jasper Eagle, July 23, 1882; Montgomery Alabama State Journal, June 12, 1882.

⁹⁷Chapter I, 27-28.

⁹⁸Crenshaw Helicon, September 17, 1882; Troy Messenger, September 17, 1882; Shelby Sentinel, September 2, 1882; Selma Times, August 30, 1882.

Despite this, political news still reached eager ears.⁹⁹

Negro leadership during this period had its effectiveness reduced mainly because of the political rivalry of two of its most dynamic leaders, Jere Haralson and James Rapier. Also obstructing effective leadership were a host of fence riding, lesser political neophytes who moved in and out of the various political camps. Just the maneuvering of these neophytes alone was enough to confuse and disgust the common Negro voter. Philip Joseph, for instance, embraced every political ideology that came along.

Rapier was liked by whites but disliked by Negroes. He refused to vote for Grant because Grant did nothing for civil rights.¹⁰⁰ Negroes accused him of splitting the ticket in 1876, of giving only two out of a possible fifteen jobs to Negroes, and of protesting to the Queen of England over the Mason and Slidell Affair.¹⁰¹ Whites did not like Rapier's civil rights stand but felt that as col-

⁹⁹Montgomery Advertiser, September 2-13, 1882; September 1, 1889.

¹⁰⁰James Rapier to President Chester Arthur, May 3, 1872. James T. Rapier Papers, General Records of the Department of the Treasury, Record Group 56, Microfilm, National Archives (Washington, 1948).

¹⁰¹Pike County Colored Republican Resolution, January 2, 1882; T. W. Welch, I. N. Fitzpatrick, and Negro Republicans of Montgomery to President Arthur, November 9-11, 1882 (James Rapier Papers).

lector of internal revenue he had better enforced the laws, given satisfactory service, increased collections, suppressed illicit distilling, and had been a good example for his race.¹⁰²

Rapier, who was by far the ablest of the two colored leaders, was outrun and outwitted by the wily Jere Haralson. Haralson bolted the party in 1876 and replaced Rapier in Congress. Haralson was loathed by the whites who tried to contest his seat in Congress on the grounds that votes secured by bacon and bayonets had been cast for him.¹⁰³ Rapier came to his aid because he was tired of "seeing white Republicans strike down every colored man who received office."¹⁰⁴ Haralson repaid this friendly gesture of Rapier with slurs and remained a bitter political enemy until he left the state for the customs house in Baltimore, Maryland.¹⁰⁵

Among the lower, shifting, controversial echelon, one woman, Major Ann Pollard, former slave, persuasive speaker, and vegetable peddler, stood out. She hated the

¹⁰²Business men of Alabama to President Arthur, March 22, December 21, 1882 (James Rapier Papers).

¹⁰³Selma Southern Argus, June 29, 1877; Birmingham Iron Age, November 2, 1875.

¹⁰⁴Montgomery Advertiser, September 21, 1880.

¹⁰⁵Ibid., October 12, 1878; April 7, 1880; Selma Times, November 2, 1876.

Democrats and in turn was hated by them. More than once did she gather the bigwigs of the party around her vegetable cart and upset an election.¹⁰⁶ By 1880, William H. Council, Philip Joseph, and others of this group were fading from the political picture.¹⁰⁷ Their places were being filled by younger, more aggressive men like Nathan Alexander, editor of the Haynesville Republican Sentinel; Jerry Blevins, national lecturer; and H. V. Cashin, lawyer and political boss.¹⁰⁸

A divided and ostracized leadership could hope to obtain only minor political state and federal offices. Some Negroes holding state offices were Cyrus Warner, justice of the peace; J. S. Diggs, solicitor elect of Dallas County; Hailes Ellsworth, county commissioner;¹⁰⁹ Bartley Lightfoot, constable of Huntsville;¹¹⁰ H. V. Cashin, route agent;¹¹¹ Tom W. Townsend, Nelson Hendley, H. T. Freeman, and Charles Sykes, aldermen.¹¹² The customary federal ap-

¹⁰⁶Ibid., April 10, June 6 and 21, 1878.

¹⁰⁷Earle E. Thorpe, "William Hooper Council," The Negro History Bulletin, XIX (1956), 85-86.

¹⁰⁸Montgomery Advertiser, April 21, 1880; September 26, 1882; March 14, 1888.

¹⁰⁹Ibid., May 27 and June 25, 1875.

¹¹⁰Montgomery Weekly Democrat, August 4, 1880.

¹¹¹Warrior Enterprise, February 27, 1886.

¹¹²Huntsville Gazette, April 2, 1882. See Roberts, "William Manning Lowe," 112.

pointments included H. C. Binford, register of land;¹¹³ Sam Lee, special land agent;¹¹⁴ Nathan Alexander and Charles Hendley, receivers of public monies.¹¹⁵

By far the most controversial, sensational, and seldom-granted federal appointment to Negroes was made at Louvern, Alabama. William Gomez, colored school teacher, was named postmaster. The whites made it clear that they did not care for a Republican postmaster and least of all a Negro. Every building that Gomez rented for postoffice business was burned down. Finally, in a state of frustration, Gomez, in spite of the pleas of many whites to the contrary, resigned. Rufus P. Thrower, white, took his place.¹¹⁶ In the meantime, whites at Birmingham boycotted the mail route system because Negro carriers had been appointed.¹¹⁷

Neither were Democratic newspapers reconciled to Negro officeholders, state elected or federal appointed. To them the Negro lacked the inherent capacity to execute

¹¹³Montgomery Advertiser, June 21, 1884.

¹¹⁴Ibid.

¹¹⁵Ibid., August 6, 1889.

¹¹⁶Ibid., September 3, 22, October 1, 2, 3, 4, and November 26, 1889.

¹¹⁷Ibid., October 4, 1889.

the duties of the various offices. Negroes were also indoctrinated with the inferiority idea, and since only a few were elected to office they had little chance of disproving the propaganda even to themselves.¹¹⁸

Gradually white registrars began to tighten and apply more rigidly the requirements for registering and voting. And when it came to juries and testimony of Negro witnesses, whites remained hostile and refused to select Negro jurors or accept Negro testimony in the courts where both or one of the litigants happened to be white.¹¹⁹ Negroes of Tuscaloosa and other areas formed committees to inquire into the reasons why Negroes never served on local juries and why Negro testimony was not acceptable to the courts. They were told by the official in charge that they were incompetent and did not qualify according to the law. Commenting on the Negro's effort to obtain seats on the jury, the Montgomery Advertiser said that Alabama was a white country, ruled by a superior white man--God so intended, therefore, jurors should be honest and intelligent. The implication was that Negroes were neither honest nor intelligent.¹²⁰

¹¹⁸Selma Southern Argus, June 29, July 3 and 20, 1877.

¹¹⁹Montgomery Advertiser, September 16, 1879; March 3, 1881.

¹²⁰Ibid., February 17, 1884. See Gilbert T. Stephenson, Race Distinctions in American Law (New York, 1910), 242.

Thoroughly dissatisfied with this reply and disgusted with the injustices heaped on them by whites, Democrats and Republicans, Negroes turned to the courts for relief. The first legal salvos were aimed at the registrars. Negroes contended that registrars conspired and used force and arms to keep them from registering. In one instance they were able to get a conviction on the ground that white registrars had employed force and arms.¹²¹ Negroes then decided to test the jurisdiction of the legislature to deny them the franchise when convicted of certain crimes. The court upheld the right of the legislature to limit the franchise and went a step further by holding the franchise to be a privilege conferred by the state, subject to the exclusive regulation of the state; voting was not a vested nor natural right conferred universally. The court further stated that the denial of the privilege did not impair a right and that the state was limited only by the provisions of the Fifteenth Amendment to the Federal Constitution which prohibits any discrimination on account of "race, color or previous condition of servitude."¹²²

¹²¹Montgomery Advertiser, September 1, 1876; April 24, 1877; February 17, 1878.

¹²²Anderson v. State, 72 Alabama 187 (1882); Washington v. State, 75 Alabama 582 (1884); Gandy v. State, 82 Alabama 31 (1886).

The testimony of Negro witnesses was held to be valid if the court believed the witness was telling the truth. His color was immaterial. The court, however, refused to find court officials guilty of discrimination as alleged by Negroes in the selection of jurors. Negroes contended that the absence of Negroes from the jury gave evidence of discrimination.¹²³

Sometimes in moments of desperation Negroes retaliated in kind. At Sandy Ridge, Lowndes County, a lynching provoked the Negroes to the point of taking up arms. In the skirmishes that followed, several Negroes were killed or wounded. The remaining force of 250 men took to the swamps to await the troops sent out by the governor so they could surrender.¹²⁴ The affair was handled so badly by the civil officials that several Negroes left the state for Kansas.¹²⁵

Throughout this period Negroes were dissatisfied with both parties, but with the Republican party in particular. Defection from the Republican party was inaugurated as early as 1876 by William H. Council. Council, who told the Negroes to consider supporting the Democratic party,

¹²³Dolan v. State, 81 Alabama 11 (1886).

¹²⁴Montgomery Advertiser, May 6, 1888.

¹²⁵Montgomery Advance, September 11, 1888.

emphasized that the Negro was not obligated to either party, because "necessity" freed the Negro. He advocated the sharing of party spoils by the Negro.¹²⁶ Later, Major Strum, James T. Gee, and Howard Skeins, Negro Republican leaders, renounced the party and told Negroes to vote with their friends, the Democrats. Even Jere Haralson urged Negroes to go to Liberia,¹²⁷ while Booker Washington stressed economic security rather than political participation.¹²⁸ Cornelius J. Cockran, Negro from Dallas County, told Congress that Negroes were "deserting the party in droves."¹²⁹ At Talladega, Negroes, in order to show their disgust at the way Republicans were handling patronage, hanged a skeleton labeled "Our New Postmaster" on the post office door.¹³⁰

Reviewing twenty-five years of fealty to the Republican party, the Negro discovered that he was still a hewer of wood, drawer of water, a ward of the party who was supposed to jump at the crack of the party whip, and a pilgrim

¹²⁶Montgomery Advertiser, September 17, 1876; September 23, 1880.

¹²⁷Ibid., November 3, 1877.

¹²⁸Booker Washington, The Story of the Negro (New York, 1940), 191-92. Charles Hendley was of the same opinion as Washington. Huntsville Gazette, December 11, 1886; December 12, 1892.

¹²⁹Congressional Record, 51 Cong., 1 Sess. (June 4, 1890), 336.

¹³⁰Montgomery Advertiser, August 3, 1877.

on an eternal pilgrimage never reaching the shrine.¹³¹ Comparing the parties, he found that the Democrats had not, so far, abrogated his rights and had given him from six to eight months of schooling.¹³² He concluded that he had been "spit upon in the house of his friend, despised and ignored at feast time, and recognized when his services were needed."¹³³

The Democrats lost little time in appealing to the dejected Negroes. Some leaders went so far as to promise never to permit the Thirteenth and Fourteenth amendments to be impaired or evaded.¹³⁴ Negro Democrats were happy over the situation. They organized Democratic clubs among the Negroes and took up the responsibility of preparing the Negro for citizenship.¹³⁵

With an eye toward appeasing the injured feelings of the Negro, the National Republican party initiated investigations in the state. The investigators reported that

¹³¹Ibid., August 3, 1877; October 12, 1882.

¹³²Ibid., October 1, 1880.

¹³³Vincent P. DeSantis, "Negro Dissatisfaction With the Republican Policy in the South," Journal of Negro History, XXXVI (1954), 148-159.

¹³⁴Montgomery Advance, September 10 and 11, 1880.

¹³⁵Birmingham Negro American, August 6, 1880; Montgomery Herald, April 2, 1887. See poem on the political plight of the Negro in Alabama in the Montgomery Advertiser, November 7, 1888.

the Negro's right to vote was denied and abridged, that laws obstructed the passage of the Negro vote into the ballot box, and that fraud was practiced unblushingly by the Democrats.¹³⁶ The Alabama Legislature retaliated by inaugurating a counter-investigating committee of its own. This committee accused the Republicans of appointing Negroes to office in the state for procuring votes for the party and of dispensing at least \$300 and whiskey to the voters. The committee further accused the Radicals of having done all of the intimidating and rioting in order to secure the Negro vote.¹³⁷

This decade closed with the "Bourbon" better entrenched legally than at any time since 1865. The new constitution of 1875 was weighted heavily in his favor. Republican opposition throughout the period was ineffective due mainly to the dissatisfaction and defection of its majority constituency, the Negro. The Negro leaders of the period reduced the effectiveness of their leadership by personal bickerings. So long as the Negro vote remained rigidly controlled by the Democrats, cries of disfranchisement were ignored. This situation was not long to endure for below the surface all was not well; the seeds of discontent planted by "third party" factions began to peck

¹³⁶Montgomery Advertiser, July 7, 1878.

¹³⁷Senate Journal (1874-1875), 623-647. Mobile Register, January 21, 1875.

away at the wall of white solidarity. The next ten years were to be the most strenuous for the Democrats.

CHAPTER III

DIVISION: CHALLENGE TO BOURBON CONTROL

One might properly assume that the political star of the Negro in Alabama was about to descend into complete obscurity prior to 1890. He was practically forsaken by the Republicans; his leaders were indifferent, dying, and leaving the state. The voices of a few Negro leaders in the state were telling him to leave politics alone, seek better schools, buy land, go into business, and let brains and character settle the political or civil rights question. For the next decade the Negro did not adhere to this advice nor was his temporary political inactivity taken for granted by the dividing whites. The two factions in the Democratic party, Populists and Conservatives, were planning to make the control of his vote the height of their political attainment and support. Though disgusted with the situation, the Negro was powerless in the face of a condition that relegated him to a puppet in the hands of political puppeteers.¹

The Conservative faction turned to the legislature for help in further attaining and maintaining control of the Negro vote. Governor Thomas G. Jones, leading Conser-

¹Clark, Populism, 68. See Victoria E. Matthews, Booker Washington, Black-Belt Diamonds (New York, 1898), 7-98; Herbert Aptheker, Negro People in the United States (New York, 1951), 649.

vative, in an address to the legislature of 1890 admitted that the Democratic party was the custodian of the Negro, but added that more freedom of choice and some civil rights should be granted the Negro. The governor's words fell on deaf ears. The oligarchy, sensing a rising threat to its control from the Populists and allied movements, was now more determined than ever to keep the control of the Negro vote but to go no further.²

In the search for legal devices to use for this control of the Negro vote, the Conservatives turned to the long-ignored poll tax which had been made a prerequisite for voting in 1868. Public sentiment had not demanded rigid enforcement because the tax had not been considered necessary for the elimination of the Negro and poor white vote, nor were its tax raising features thought vital to the educational process to which it was allotted.³

By 1891 the public and the legislature were becoming aware of the disfranchising potentialities of the poll tax. A bill which would have required the presentation of the poll tax receipt by the voter was offered in the legislature and was rejected. Governor Joseph F. Johnston, the

²Woodward, Jim Crow, 96.

³Senate Journal (1896-1897), 621; Frank B. Williams, "The Poll Tax as a Suffrage Requirement in the South," Journal of Southern History, XVIII (1952), 466-96.

reversible Democrat, saw the advantage of requiring voters to show poll tax receipts before casting their ballots. He felt that the ballot box would be made more secure and that collections would be doubled. The Legislature, however, was only willing to temporize to the extent of holding a poll tax bill as a threat to recalcitrant Negroes and poor whites.⁴ In fact, the Populists in their heyday refused to support a stringent poll tax law because it would disfranchise poor whites. Nothing definite was to be done about the poll tax until 1901.⁵

Prior to 1893, the threat of force and intervention by the federal government and the desire to appease and hold the Negro vote stimulated the legislature to write, amend, and rewrite several election laws. These laws hindered Negro voters, but did not completely eliminate them. After 1893, and the great challenge by the Populists, all election laws passed by the legislature insured greater control of the Negro vote and contained clauses which would have excluded a majority of Negro voters if rigidly applied.⁶

Significant among such bills was the Sayre election law. The spectre of the Negro vote as the balance of power

⁴Senate Journal (1896-1897), 289; ibid. (1898-1899), 23.

⁵Williams, "Poll Tax," 490; Montgomery Alabama State Journal, August 22, 1901.

⁶Montgomery Advertiser, January 2, 1893.

and increasing fraudulent practices enhanced the chances of passage for this bill. The Sayre election law required voters to register only in May and in the precinct where the vote was to be cast under the superintendency of the probate Judge. The voter was required to show his certificate of registration, enter the booth alone, and complete the marking of the ballot within five minutes; if illiterate, he could be aided only by an election official. If white and colored used the same polls, they were to cast their ballots alternately. Heavy fines were to be imposed on careless voting officials and those who used fraudulent ballots.⁷

In defense of the bill, Anthony D. Sayre, author, maintained that it would insure secrecy, lift the cloud of black domination, and neutralize the Fifteenth Amendment.⁸ Other supporters of the bill said that 40,000 Negro voters would be eliminated, that the bill put a premium on forethought and intelligence which Negroes in great numbers did not possess, and would bring unity to the Democratic party without running the risk of putting the Negro in power.⁹

Opponents said the measure would not heal the breach

⁷House Journal (1892-1893), 851, 1095, 1042, 1138; Montgomery Advertiser, January 9, 1893.

⁸Clark, Populism, 146.

⁹Montgomery Advertiser, January 16 and July 18, 1893.

in the white ranks by eliminating the Negro; instead, the illiterate Negro would be given an intelligent witness in the booth, 30,000 poor whites would be disfranchised, fraud would be easier, and the bill would confuse the literate and illiterate alike.¹⁰

In spite of the opponents, the bill became law--a law that restricted the suffrage to the "virtuous and intelligent." The problem of finding the virtuous and intelligent, of making the bill work smoothly and efficiently, and its disfranchising provisions which eliminated many whites caused the legislature to repeal it in 1895.¹¹

With the repeal of the Sayre election law, the legislature was confronted with the problem of writing a law which would eliminate Negroes only, purify politics, and bring harmony within the Democratic party. Governor Johnston advised the legislature to consider the white primary. Acting on this advice, the legislature passed a weak primary law which was augmented later by a registration law that made the purchasing, selling, and the offering to sell a vote unlawful. The law also required the justice of the peace and sheriff to manage and control the polls. Persons

¹⁰Ibid., February 16 and 17, 1893.

¹¹Walker, "Alabama Politics," 7-8; Luverne Liberal quoted in Montgomery Advertiser, July 28, 1893.

entitled to vote could not be arrested unless they broke the peace.¹² A majority of the Democrats thought this was a step in the right direction. The whites could now divide in primaries, close ranks in the general elections, and render the Negro vote a nullity.

The registration law, used to reenforce the primary law and designed to capitalize on the shifting of the Negro population, did not require continued registration of those electors who remained within the same election precinct or ward in which they registered for the last general election of state officers.¹³

The legislature was reasonably successful in its attempt to control the Negro vote but failed miserably to halt the Populist movement and bring harmony to the Democratic party. Neither the Populist party nor its causes could be erased through controlled legislation. Prior to the emergence of the party, ineradicable inroads had already been made by its predecessors, Independents and Greenbacks, aided by economic and political chaos.

The decade opened with the usual two major parties, Democrats and Republicans, but before the close of the period the Republican party was to become practically "Lilly

¹²House Journal (1898-1899), 29; ibid., (1899), 19.

¹³Senate Journal (1892-1893), 156-77; ibid. (1896-1897), 10; ibid. (1898-1899), 649, 679. Those voters who had not changed their residence since the last general election did not have to re-register.

White." On the surface of the Democratic party everything seemed peaceful, but the picture was deceiving. The revolt-
ing forces that appeared in the party in the latter part of the 1860's adopted a new, vigorous leader, Reuben F. Kolb, head of the Farmers Agriculture Commission, president of the Farmers Alliance, and a famous watermelon farmer. Kolb used his state office to build up a political following and in 1889 announced his candidacy for governor, declared himself a white supremacist, and vowed that he had no third party intentions. Kolb was defeated¹⁴ and his forces were not considered irretrievable by the Democrats. The appeal to "white supremacy" was enough to hold the rebellious element in line.

However, after 1890 the appeal of "white supremacy" could not suppress economic dissatisfaction. The Populists threatened to take control of the Democratic party. The useful threat of "Negro domination" so often used in the past was set aside. The Democrats then claimed that a divided white vote would leave the Negro vote at a premium and that such a situation was a threat to "white supremacy." Leaders like John T. Morgan, United States Senator, who as late as 1890 had called himself a friend of the Negro, had by 1892-1893 taken the stand that suffrage was above the intellect of the Negro to understand, that

¹⁴Dubose, Alabama History, 292-97; Clark, Populism, 63-90. Also see Charles G. Summersell, "A Life of Reuben F. Kolb" (M.A. Thesis, University of Alabama, 1930).

the Negro could never be raised to the plane of understanding the ballot, nor could he ever become a fit representative of white people. Such reverberating argument which had been so effective in the past was not able to prevent or halt a serious breach in the party.¹⁵

Significant at this stage was the attempt of the Negro Democrat to entrench himself in the party. The National Afro-American Bureau of the Negro Democrat Congress began cementing the Democratic fragments in the state into a working unit. An Afro-American League and Democratic clubs were organized and instructed to wrest the vote from Negro Republican control and seek recognition from the party and in the primaries. During this period when white voters were divided the Negro Democrat had some success.¹⁶ Negro prisoners who showed Democratic leanings were pardoned, had their disabilities removed, and suffrage restored. "Mr. Negro is alright whenever he voted the Democratic ticket....", recorded the Wedowee Randolph Toiler.¹⁷

Still the one continuous opponent of the Democrats was the Republican party. By 1890, its constant

¹⁵Montgomery Advertiser, July 2, 1890; September 23, 1892, and April 21, 22, 23, and 24, 1894; Piedmont Inquirer, November 21, 1896; April 6, 1900.

¹⁶Montgomery Advertiser, October 10 and 23, 1890; July 24, 1892; July 3 and August 9, 1894; January 22, 1896.

¹⁷Ibid., December 10, 1890; Wedowee Randolph Toiler, June 26, 1896.

splitting had practically destroyed its influence, and in fact, two Republican parties existed in Alabama. The "Lily White" faction divorced the dominant white leadership from the party, but it became a leadership without a following, willing to merge with any faction--except the Negroes--that opposed the Democrats. The Negroes who were the voting foundation of the party were left with a few white officeholders and a small number of able Negro leaders. But whatever success this latter group might have had was negated by a vacillating National party.¹⁸

The "Lily White" drive against the Negro in the party reached its greatest height after 1892. The original seat of the movement was Birmingham and the slogan adopted was "not a black face present." Negroes who had been nominated for office were bought, bullied, and ignored. They were often discredited among their own people through lies and trickery. The "Lily Whites" based their acts on the assumption that Negroes did not have sense enough to stand together.¹⁹

Z. T. Pearsall, Negro political leader, struck back at the "Lily Whites." He called them plunder-seeking scalawags who used the Negro as a tool; and when the Negro need-

¹⁸Luther H. Evans, "Primary Elections and the Constitution," Michigan Law Review, XXXII (1933-1934), 451.

¹⁹Mobile Register, September 23, 1892.

ed them most they were masquerading with his "caucasian supremacist enemies." He said that without the Negro vote the "Lily Whites" became a mere corporal's guard. Another Negro leader, Bill Stevens, refused to be put into the vest pocket of the well-heeled Chris Magee, peacemaker sent from National headquarters to heal the breach between "Lily Whites" and "Black and Tans." Stevens said one thing was certain: black men wanted recognition, not reconciliation with a faction of the party, that wanted them denounced by the National party. As the National party procrastinated, the breach grew wider. Audible but not comprehended, the bell was tolling the future doom of the party.²⁰

Democrats displayed little or no fear of the disrupted Republican party because a well-timed reminder of Radical Reconstruction was enough to bring the straying white voter back into the fold. But division of the whites and the rise of a third-party movement was a serious problem. Independents were not uncommon to the political scene in Alabama. Dissatisfaction with existing party policies or just plain political preferences caused many politicians to masquerade under the independent banner. Several counties sent independents to the legislature throughout the 1800's with a minimum of opposition from the Democrats.

²⁰Ibid., November 4 and 6, 1892; Montgomery Advertiser, October 18, 1892.

There was some concern whenever the independents allied themselves with definite third-party trends or movements.

Two such movements occurred in Alabama during the late 1870's and early 1880's. The first of these, the Grange, had minor political success in the state. One of the many weaknesses of the Grange was its refusal to admit Negroes. However, after a few years of political failure, the Grange decided to organize Negro Granges, but obstructed any political support it might have received from this group by stipulating in the charters that the Negro branches could not participate in politics.²¹

The second and strongest third-party movement--and one into which many Grange members retreated--was centered around the Greenbackers. An inadequately organized Greenback party made its political debut in Alabama in 1878. It did, however, manage to elect its congressional candidate, William Manning Lowe. In 1880, The Greenbackers held a convention, selected a ticket, and sent five members to the legislature.²² In 1882, its best political year, the Greenbackers were strongly supported by the Republicans and sent twenty-two members to the legislature. However, by 1884

²¹Theodore Saloutos, "The Grange in the South, 1870-1877," Journal of Southern History, XIX (1953), 473-87; Clarke County Democrat, August 19, 1873.

²²Moore, Alabama, 603; Goins, Bourbon Democracy, 57-59.

the party had practically disappeared. There may be at least two reasons for this failure: first, death claimed its most prominent leader, William M. Lowe; and second, like its predecessor the Grange, it did not at first encourage Negro support. When it did so in its dying days, Negroes refused to embrace it except in extreme ends of the state--Huntsville and Mobile.²³

The Greenback party was followed by Alabama's weakest third-party movement, the Prohibitionists who were completely shadowed by the militant Farmers Alliance. This Alliance, headed by Kolb, had decided to enter politics in 1890 and wrest control of the Democratic party from the hands of the "Bourbons." Unlike its third-party predecessors, the Alliance made overtures toward the Negro. By 1890 sixteen hundred colored Farmers Beneficial Associations blanketed the state. Though shunned somewhat by local white units, the National party lost little time in admitting Negroes to membership and in providing seats for them in its conventions.²⁴

In 1890, the Alliance merged with the Knights of Labor, and Terence V. Powderly, leader of the Knights of

²³Birmingham Iron Age, September 4, 1878; Montgomery Advertiser; July 7 and October 13, 1878; June 25, 1880; July 7, 8, 1882; Fort Payne Journal, January 25, 1890.

²⁴Jack Abramowitz, "The Negro in the Agrarian Revolt," Agricultural History, XXIV (1950), 91-92; Birmingham Alabama Sentinel, January 17, 1890; Tuscaloosa Gazette, January 28, 1890.

Labor, came to Alabama to attend the convention of the Consolidated Colored State Alliance. Kolb was also in attendance at this convention. The aim of both men was to secure the Negro vote for the anticipated revolt.²⁵

The marriage of the Knights and Alliance set the immediate stage for the real Populist movement in Alabama. The Kolb faction of the movement which came out of the Alliance was called Jeffersonian Democrats--a name retained by Kolb throughout the period. Kolb said that the name Jeffersonian helped to secure a large part of the Democratic vote. The Jeffersonians maintained that they were "liberals" within the party whose purpose it was to free the masses from the domination of the "Bourbon" oligarchy. All discontented persons were welcomed.²⁶

Failing to get control of the party and the chief offices in the state in 1899, the Jeffersonians "threw off the wraps" in 1892 and merged with the National Populist Party. The "Bourbons" called them "Bolters" and accused Kolb of deserting the Democratic party, of leading his followers into the Peoples party, and of becoming a "tail to the Republican Kite." The party and the two leading Democratic newspapers, the Montgomery Advertiser and the Mobile Register, hoped to defeat Kolb by refusing to deal with his

²⁵Birmingham Alabama Sentinel, January 17, 1890; Montgomery Advertiser, January 17, 1890.

²⁶Clark, Populism, 139; Montgomery Advertiser, May 5 and August 17, 1892.

faction as a part of the Democratic party, by relegating the party to the background, and by playing up perpetuity of the Democratic party and "white supremacy."²⁷

In 1890 when Kolb began his canvassing for governor, many doubted that he would have the support of the Alliance. Such doubts were soon removed. The Alliance announced soon after Kolb's canvass began that it would support him. The Democratic party took note of this move by the Alliance. They set in motion the above strategy that would rob Kolb of his "wool hat" support. This would dissuade other whites by declaring that Kolb would place the Negro back into power. Whites were admonished not to run off after strange gods, especially Alliance gods.²⁸

This strategy sent the majority of whites scampering to the Democratic party. In spite of the fact that all delegates had pledged to support white supremacy, the leaders discovered at the convention in Montgomery that Kolb could not be beaten if two or three candidates remained in the field. Three days of balloting were drawing to a close and a majority over Kolb was nowhere in sight. So, a Democratic caucus decided to entice all other candidates to quit the race and throw the party support behind one strong

²⁷Mobile Register, August 22, 24, 25, and 26, 1892; Montgomery Advertiser, August 17 and 26, 1892.

²⁸Montgomery Advertiser, May 8, 1890.

candidate, Thomas G. Jones, leader of the Conservatives. Jones was finally chosen over Kolb as the candidate for governor. Kolb promised to support Jones but immediately began to cry that he had been "stolen out." The convention closed after declaring for state rights, equal protection for all, and for continuance of control in white hands without the threat of division. Most of the delegates left the convention convinced that Kolb was a threat and that division and a third-party movement were impending.²⁹

Division within the Democratic ranks lent hope to the Republicans, especially the "Black and Tan" faction. County conventions dominated by Negroes met prior to the state convention, named tickets on which many Negroes appeared, and chose delegates to the state convention.³⁰

A party caucus held two days before the state convention placed its control in the hands of the white patronage dispensers though it was dominated by Negroes. Negroes were permitted all the time they desired in the convention to lambaste the Democrats and Alliance men, but those

²⁹Ibid., June 3, 4, and 5, 1890; Clark, Populism, 102-106.

³⁰Inez Perry Langham, "Politics in Mobile County from 1890 to 1900," (M. A. Thesis, University of Alabama, 1947), 53-63; Montgomery Advertiser, February 2, March 29, May 25, 27, June 3 and 4, 1890; Mobile Register, July 18, 1890.

who critized the Republican party were quickly seated by the white chairman or declared out of order. A state ticket was selected and the office of state auditor was left open to Negroes--there were no takers. The platform called on Congress to regulate elections, to grant equality of citizenship, free ballots, and to insure a fair count.³¹

The Democratic Executive Committee selected as its campaign theme "white man's rule essential." Both parties sent Negro speakers into the field. Negroes were told that the Republican party would save them from re-enslavement. Racial feelings became intense, Negroes and whites armed, and several persons were injured in the various street fights.³² In the election Negroes either voted the Democratic ticket or were fraudulently counted in the Democratic majority. In one county, Coosa, all ballots were withheld from Negroes. It seemed that wherever Negroes appeared on the ticket they were soundly beaten or "stolen out." Jones won the election by a vote of 139,212 to Republican Ben M. Long's 42,390.³³

The campaign for Congress in the fall of 1890 found three Negroes, C. McCall, Reverend A. H. Warner, and J. R.

³¹Montgomery Advertiser, June 5, 1890.

³²Ibid., July 31, 1890.

³³Ibid., August 4, 5, and 6, 1890; Langham, "Politics in Mobile," 60-61.

Treadwell, running against three whites. Treadwell ran against William C. Oates, the distinguished and somewhat controversial Democratic stalwart.³⁴ Democrats laid plans to inveigle the Negro vote. They told Negroes that Republicans were planning to tax the bread out of the mouths of their children, were denying them the right to work and own homes in the North and that their best interests lay with the Democrats.³⁵ What effect this strategy had on the Negro is difficult to tell from the vote for the Negro candidates. McCall led his white opponent all day, but at the close of the boxes the white opponent had 242 votes to McCall's 239. Negroes appeared to have supported their candidate, but all indications are that they were "stolen out." The other two Negro candidates were not permitted to attain such a questionable vote. One white candidate had 1663 votes to the combined Negro vote of 452. Thus, the first battle closed between the old and new forces in the Democratic party with the former still uneasily seated in the saddle--uneasily seated because a majority of able Alliance men won seats in the lower house of the legislature.³⁶

³⁴Montgomery Advertiser, September 23, October 8 and 9, 1890.

³⁵John T. Milner, "White Men of Alabama Stand Together," Montgomery Advertiser, August 3, 1890.

³⁶Montgomery Advertiser, November 1, 3, 5, 7, 8, 9, and 10, 1890; Clark Populism, 111-14.

Kolb, after the November election, began to canvass the state in behalf of his candidacy for the governorship in 1892. He still denied that he was "populist" or "Bolter," even though "Sockless" Jerry Simpson, Populist leader who spoke at Birmingham, and advised him to sever his relation with the Democratic party. Kolb's excuse for not quitting the party was that Negroes might forsake the Alliance.³⁷ Kolb claimed that Negro votes had elected Jones in 1890. He specified Marengo and Montgomery counties as examples of the practice of counting Negro votes for the Democrats, no matter for whom the votes were cast.³⁸

As the 1892 Convention drew near, Kolb became more abusive of Democratic tactics. He said that the "Black Belt" voted "dead dogs, dead negroes."³⁹ Governor Jones refuted the statement and accused Kolb of calling out the Negro vote to settle the affairs of white folks, elect civil officials, and therefore control state government. Jones said that no true Democrat could trifle with the peace of the great white race.⁴⁰

Kolb carried his complaint to the Democratic convention. He contested the rule that permitted county repre-

³⁷Montgomery Advertiser, July 21, September 26, 1891.

³⁸Ibid., February 25, 26, 28, 29, and 31, 1892.

³⁹Ibid., April 30, 1892.

⁴⁰Ibid., April 3, 1892.

sentation to be based on the vote case for governor in 1890. He complained that the Negro vote returned from counties with large Negro populations as cast for Jones in 1890 was in a large measure fictitious, thus securing to those counties which were for Jones false weight in the convention. Kolb said that Negroes were not Democrats and that it was absurd to claim such.⁴¹ The above rule was abandoned, but in order to count Negroes and keep Kolb from winning the regular nomination, the convention based representation on population. Jones was nominated again for governor, and federal intervention and those who used the Negro vote to rob the "Bourbons" of control of the party were denounced. According to Jones, the peace flag of the white race would once again be borne aloft, insuring harmony and good will between the races.⁴²

Kolb decided that he had had enough. He bolted the regular party, set up a rump convention, and selected a state ticket. The "Bolters" called themselves the Caucasian Democrats of Alabama and extended the olive branch to the Negro. They promised to protect him in his legal rights and to encourage and aid him in the attainment of a higher

⁴¹Clark, Populism, 129.

⁴²Charles G. Summersell, "The Governor's Race of 1892," The Alabama Review, III (1950), 5-35; Montgomery Advertiser, June 9, 11, and 16, 1892.

civilization and citizenship.⁴³

In the meantime, Republicans worked feverishly to heal the breach in their ranks. In several county elections, whites supported Negro candidates and the "Lily Whites" went so far as to set up an unwanted "Black League." Negroes ignored these efforts and made plans to play a lone hand. White leadership was challenged at all levels--a challenge which cost the Negro dearly in some areas where much of his property was lost due to hostile acts of opposing whites. Whites used subterfuges freely to bar Negroes from Republican meetings. They would light the buildings where the meetings had been scheduled and then secretly hold sessions some place else. In spite of these deceptions, Negroes still captured most of the chairmanships of the county conventions.⁴⁴

State convention time found Negroes more determined than ever to stand alone and run their own show. They became so intensely disgusted with the highhanded methods of Dr. Robert Moseley, the white patronage dispenser, that they bolted from the "Lily White" convention in the Capitol and set up one of their own in the county court house. Bill

⁴³Clark, Populism, 130-135; Montgomery Advertiser, May 28 and June 10, 1892.

⁴⁴Montgomery Advertiser, August 9, 1891; April 7, 19, 22, and 31, 1892.

Stevens was chosen chairman by acclamation. It was thought unwise to offer a state ticket because of the unrest and general dissatisfaction of the people with old political methods and election frauds. The unscrupulous practices of Moseley were condemned and the Civil Service Commission was petitioned to look into such practices. The Montgomery Advertiser accused the convention of planning to help Kolb and of stirring up the Negroes and pitting them against the whites. The real political value of this convention was annulled in the Republican National Convention at Minneapolis. The "Lily White" delegation (which was not solid white after all since Jere Blevens, Negro, was a member) was seated.⁴⁵

Both factions, Democrats and Kolbites, tried to attract the Negro vote. The "Lily White" faction was supposed to have made a deal with Kolb whereby the Republican vote, Negro and white, was to be delivered to the Kolb faction. Though never formally proved, the "Lily Whites" generally supported Kolb. But the delivery of the Negro vote rested in the hands of the Negro leader, Bill Stevens, rather than in the hands of the "Lily Whites." Stevens preferred to steer clear of the Alliance. He wanted to know whether Kolb would approve Negro election managers, jurors, and vote for the National Republican ticket. Kolb

⁴⁵Ibid., April 29 and June 1, 1892.

evaded the questions by refusing to answer.⁴⁶

The efforts of Stevens to keep the Negro vote intact for the Republicans failed when confronted with Alliance and Democratic political propaganda. Kolb's lieutenants promised everything. One of them, P. C. Bowman of Opelika, told Negroes that Kolb would give first class passage to accompany first class fare, that equality of all would be guaranteed unconditionally, and that he, Bowman, would rather see the banks of every river and creek "Crimson with blood than to see one Negro deprived of his right to vote for whom he pleased."⁴⁷ At Talladega, the Alliance scheduled a young Negro, Tom Allen, to address 1,800 white men and women. The Montgomery Advertiser said this was the first time that a Negro had addressed the "bluest-blooded Caucasians in Alabama."⁴⁸ Negroes began to organize Kolb clubs.

While Kolbites were being criticized for their Negro support, the Democrats were vigorously pursuing the colored vote. Negro professionals like Dr. C. W. Dorsette, Professors J. D. Bibb and W. F. Crockett, and Attorney John

⁴⁶Ibid., June 21, 1892.

⁴⁷Summersell, "Governors Race," 18; Mobile Register, July 26, 1892; Clark, Populism, 141-42.

⁴⁸Montgomery Advertiser, July 16 and 19, 1892.

Benson supported Jones on the ground that he represented the best interests of Alabama, secured protection and prosperity, and was just to the Negro.⁴⁹ Criticism of Negroes by Democrats was taboo. Prominent Negroes represented the party in doubtful areas. "Intelligent" Negroes were told to vote for Jones and to stand by their white neighbors because the atmosphere of white supremacy was peaceful.⁵⁰

The farmers' revolt and charges of scandal and corruption aroused the voters as they had never been before. More than the usual number went to the polls, Kolb claimed he had been "counted out" by the Jones' forces.⁵¹

Kolb declared that only six papers out of the 175 in the state supported him. He declared that he carried the state by a 45,000 majority and received 25,000 majority of the white votes, that he controlled Jones machine stuffed the ballot boxes, and that some areas gave Jones a greater plurality than voters listed. In Coosa County the election Board threw out ten boxes on technical grounds, thus reducing an 800 majority for Kolb to a 55 majority for Jones.

⁴⁹Ibid., July 23, 24, and 27, 1892.

⁵⁰Summersell, "Governors Race," 56, 58, 63; Mobile Register, July 5, 1892; Ozark Southern Star, July 17, 1892.

⁵¹Montgomery Advertiser, August 2, 10, 12 and November 18, 1892; Birmingham News, August 1, 9, 12 and November 18, 1892; Brown, Alabama, 312; Clarke, Populism, 136.

⁵²Montgomery Advertiser, August 2, 10, 12, 1892.

A contemporary voter alleged that "Black Belt" election officials found it necessary to vote "dead men, birds, dogs, and stray cats" in order to meet the hourly quota of "new returns" called for by the campaign committee. These election officials had become proficient in "counting out" Negro votes.⁵³

In defense of his election, Governor Jones stated that the "count was fair," that leading Negroes had enlisted for him, and that Negroes voted with their white neighbors. He claimed that Negroes outside of the "Black Belt" voted for Kolb. "Captain Kolb," said Jones, "made possible the split in the Democratic party and called in the black man as umpire...." The Democratic party still claimed a 30,000 majority for Jones after eliminating white and black Republican votes.⁵⁴

A number of Democratic officials were arrested for fraudulent acts committed during the election. Kolb in his own behalf swore out a writ of mandamus in Montgomery against the probate judge, clerk, and sheriff. All cases were squelched. When President Benjamin Harrison heard

⁵³R. H. Walker, Alabama Politics, 1890-1938: As Viewed by a Country Editor, (n.p., n.d.), 2-6. Pamphlet in the Alabama State Department of Archives and History, Montgomery, Alabama.

⁵⁴Birmingham Age-Herald, August 10, 1892. For Democratic proof of a majority, see Montgomery Advertiser, August 5, 6 and 12, 1892.

about the election scandal he called Alabama politicians a gang of rebels and traitors who cared nothing about the sanctity of the ballot.⁵⁵

On September 17, Kolb, in a speech before the Populist Convention at Birmingham, declared the Alliance for the Peoples party and rebuked the "thieving minority" within the Democratic party. Tom Watson and J. C. Manning, Populist "Big Wigs," attended this convention. Watson told the convention that the Peoples' party would settle the race question by enacting a secret ballot, promoting a rallying point for the races free of discords, and presenting a mutually beneficial platform to both races.⁵⁶ The convention chose Kolb as candidate for governor. He accepted as a Jeffersonian rather than a Populist. The platform asked for a fair vote and count, for equal rights for all, and for special favors to none.⁵⁷

In contrast to the Moselevites who had fused with the Populists, Bill Stevens' Negro faction refused to join the Populists. Instead, they advocated a straight Republican ticket for the state. Many whites agreed with this view.

⁵⁵Montgomery Advertiser, October 11 and 12, 1892.

⁵⁶Woodward, Jim Crow. 43.

⁵⁷Montgomery Advertiser, September 18, 1892; Summer-sell, "Governors Race," 18-19.

On the 23rd of September, the Stevens Executive Committee met in Birmingham and selected electors and congressional candidates. Charles O. Harris, colored politician and Republican officeholder, was chosen to run for Congress from Montgomery, but Moseley forced him to decline the offer. R. C. Benjamin, lawyer and journalist, was drafted by 100 colored men of Birmingham to run in Harris' place. Thomas E. Miller, colored ex-Congressman from South Carolina, in an address to the committee said that Negro rights would not be safe in Alabama until there were two white parties in the state. Stevens was commanded to take the complaint of the Negroes to the Republican Executive Committee in New York.⁵⁸

A few days later Stevens returned and issued an address to the colored people of Alabama:

My attention has been called to a circular of Mr. Carter, Chairman of the National Republican Committee, declaring that my committee is not the rightful committee in Alabama.

... Carter forced Nathan Alexander to withdraw from a race against Moseley. He sent Cris Magee to purchase me if he could. He could not win me over. The white league is to wed the so-called people's party and the negro is to fall down and worship brazen calves. That is the purpose and objective of this unholy combination--ruin to the state and political slavery to the Negro.

⁵⁸Mobile Register, October 30, 1892; Montgomery Advertiser, September 30; October 8, 1892.

The People's party promises equality. Do you believe them? Mr. Carter will discover that the Negro is not available to the highest bidder....⁵⁹

Stevens declared war on the Fusionists: "Lily White" Republicans, Jeffersonians, Alliance men, and Populists. He appointed George Battot, white, to run for Congress and flooded the state with straight Republican tickets. He enticed Professor G. Bibb, well known Montgomery Negro school teacher, to announce his candidacy for Congressman from the Fourth District on a straight Republican ticket. In Mobile the Republican Executive Committee selected Frank Treat, colored, to run for Congress.⁶⁰

In the short campaign preceding the November election, Democrats, Populists, and the Stevens Republicans bombarded the Negro voters with promises. The Democrats promised to protect the Negro vote from fraud⁶¹ and the Populists promised political equality. The Negro-Stevens faction promised to secure all rights due Negroes and challenged the Populists to prove to the Negro voter that they did not intend to betray him, were not "sorehead Democrats,"

⁵⁹Montgomery Advertiser, October 25, 1892.

⁶⁰Ibid., October 28, 1892; Mobile Register, September 23, 1892.

⁶¹Montgomery Advertiser, November 1 and 6, 1892.

and would guarantee a fair deal at the polls.⁶²

It was estimated that 100,000 of the 140,522 registered Negroes would cast their ballots in the election. More than 112,000 did. In twelve counties Negroes supported the Fusionist ticket, but all Negro candidates failed to make a commendable showing. The vote for governor stood: Jones, 126,956 and Kolb, 115,524.⁶³

At the end of November, 1892, it was clear that the "Bourbons" were still the leaders of the Democratic party. Kolb claimed that stuffed ballot boxes and false majorities defeated him. "The negro," he said, "is not to blame for this, as fully 80 per cent of them voted for the ticket." It was hinted that a deal had been made between the Conservatives and Stevens whereby the Conservatives helped the Negro wing of the Republican party against the white wing in return for Negro assistance.⁶⁴

During the interim between elections the Kolbites presented a "Janus-faced" political plan to the Democrats and "Lily Whites." The Kolbites offered to join the Democrats and set up a white primary to bar Negroes. The Demo-

⁶²Mobile Register, November 6, 1892.

⁶³Ibid., November 9, 10, and 23, 1892; Montgomery Advertiser, October 27, November 11 and 13, 1892.

⁶⁴Woodward, Jim Crow, 39; Montgomery Advertiser, November 30, 1892.

crats rejected the plan on the ground that the two parties were enemies.⁶⁵ The Kolbites then turned to the "Lily Whites." They told the "Lily Whites" to encourage the Negroes to vote for the Fusionist ticket, and if they refused then dissuade them from registering and voting with the Democrats. "Lily White" reaction was inconclusive.⁶⁶

Failure of the Democrats to accept Kolb's plan drove him again into the arms of the Fusionists for the 1894 election. The Fusionists placed Kolb at the helm. The platform denounced the Sayre election law, opposed restrictions on the ballot, discouraged emigration of Negroes, and favored the setting aside of a special territory for Negroes exclusively where they alone would be entitled to suffrage and citizenship. This sort of reservation idea for the Negro was not new. It had been embraced by abolitionists and others who sought to solve the Negro problem. When Bill Stevens tried to join the convention, he was denied admission and was accused of being a grand rascal, scoundrel, and traitor. In the midst of threats from a hastily formed mob, Stevens beat a retreat.⁶⁷

The proud, wounded, and bewildered Stevens vowed to

⁶⁵Montgomery Advertiser, May 12, October 12 and 13, 1893; Clark Populism, 148-50.

⁶⁶Mobile Register, July 14, 1894; Moore, Alabama, 634-35.

⁶⁷Langham, "Mobile," 102; Montgomery Advertiser, February 8, 1894.

wreck the plans of the Fusionists. He first attempted to organize his own convention and put out a state ticket. Failing in this move he was persuaded to enter the Democratic ranks (to the dismay of the Fusionists.)⁶⁸

In order to discredit Stevens, the "Lily Whites" called a convention, half of whose members were Negroes. One Negro was given a seat on the powerful Republican Executive Committee for the state, and was then held up as an example of Republican generosity. The convention decided not to put out a state ticket and requested the Republican voters in the fifteen Black Belt counties not to register and vote because the vote would be counted for the Democrats. Stevens was denounced as a traitor to the Republican party in the employ of the Democrats.⁶⁹

Leading Negro professionals, editors, and organizations supported Stevens, moved into the Democratic camp, and pledged their votes to W. C. Oates, the Democratic selectee for governor. Colored Oates Clubs were formed over the state by the Afro-American Democratic League.⁷⁰ Negro ministers told Negroes that their best interests were merged with the whites, and since whites were pledged to Oates who had pledg-

⁶⁸Montgomery Advertiser, March 29, 1892; April 7, 19, May 2 and 24, 1894; Moore, Alabama, 635.

⁶⁹Montgomery Advertiser, February 19, March 29 and 30, 1894.

⁷⁰Ibid., March 4, 1894.

ed to protect Negro rights, the Negro's choice automatically became Oates.⁷¹ Negro editors warned their people that Kolb, the man who promised to have half colored and half white in the jury rooms, was a ballot box stuffer in the days of the Republican regime, and that he probably would do the same in the August election.⁷²

Democrats went to the polls to guard the Negroes against threats and intimidations made by the White Caps, Ku Klux Klan, and other terrorist groups. But the rank and file Negro voter failed to show up in large numbers in spite of the pleas of Bill Stevens and many Negro organizations. Less than one per cent of those of voting age actually registered. However, the majority of those voting voted for Oates. Total vote for Oates was 109,160 to 83,394 for Kolb.⁷³

Kolb claimed to have carried forty-one of the fifty counties with a majority of 18,000. He said that a majority for Oates was impossible without the help of corrupt election officials.⁷⁴ Numerous affidavits by whites charged that in several counties where Negroes were in the major-

⁷¹Ibid., July 29, 1894.

⁷²Ibid., July 31, August 2 and 7, 1894.

⁷³William H. Skaggs, The Southern Oligarchy (New York, 1924), 121-22. For election returns, see Montgomery Advertiser, August 7, 1894. The official vote quoted in the legislature gave a slight increase to Jones, a decrease to Kolb--Jones 110,865, Kolb 83,283. Ibid., November 18, 1894.

⁷⁴Montgomery Advertiser, August 8, 1894.

ity the counties went Democratic due to fraudulent practices at the polls. The same claim was made in election cases contesting the distribution of the votes.⁷⁵

The Democrats countered with the charges that the Kolb forces prepared ballots and placed them in the hands of ignorant Negroes and poor whites,⁷⁶ that the Kolb forces spent \$10,000 and used fraud and intimidation during the election. Governor Oates admitted that a few election officials might have cheated, but he still would have had a majority. He said that most irregularities occurred in the Black Belt where whites feared the return of Negro power.⁷⁷

Owing perhaps to habit rather than to fear of reprisal, general disgust with politics, and the constant clamoring of the "Lily Whites" not to vote, the Negro went to the polls in mass during the November election. At the polls they stayed all day. The 25,766 vote difference between Oates and Kolb in August increased to 64,741 in November. Kolb again claimed that he had been "stolen out." A few Democrats were arrested for distributing marked ballots

⁷⁵Skaggs, Southern Oligarchy, 127.

⁷⁶Montgomery Advertiser, August 9 and 10, 1894.

⁷⁷Ibid., December 2, 1894; January 22, 1895.

to Negroes and others.⁷⁸

Despite the fact that a majority vote had been counted for Oates, Kolb said that he had been elected by the will of the people and would serve as their governor. On December 2, 1894, both Oates and Kolb were sworn in as governors of Alabama. When Kolb's followers learned that he was to be denied the privilege of making his inaugural address from the Capitol steps, they commandeered a Negro's wagon from which Kolb delivered his address. Kolb demanded the governorship in behalf of two-thirds of the whites and nearly all of the colored people. This, however, was the nearest that Kolb came to being governor.⁷⁹

After the tumult subsided, all white parties blamed the Negro for upsetting the so-called harmony existing under the white man's banner. Agitation for complete disfranchisement of the Negro began to be heard. In January, 1896, the Democratic Executive Committee declared that Negroes should not participate in the Democratic primary. Several delegates at the Democratic Convention that followed wanted a new constitution that would curtail Negro political participation. Such open avowals, however, were in the minority. This Convention chose Joseph F. Johnston of Jefferson, a

⁷⁸Clark, Populism, 134-56; Montgomery Advertiser, November 13, 1894.

⁷⁹Montgomery Advertiser, December 2, 1894.

silverite, to head the party's ticket.⁸⁰

Negroes protested the Executive Committee's decision which barred them from the primaries. This committee, however, made a small concession. It invited all political voters, regardless of past political associations or differences, to vote, but permitted each county to decide whether Negroes should vote.⁸¹

On the Republican front, Negroes followed a pattern set in previous election years. Negroes maneuvered in many of the counties in such manner as legally to oust whites from their convention, chose solid Negro county tickets, and sent acceptable Negro delegates to the National Republican convention.⁸² Two of the delegates, Hershel V. Cashin (leading Negro attorney of North Alabama) and A. H. Alexander, served on the important committees on Resolutions and Credentials. John C. Leftwick, young Montgomery Republican leader, and the much maligned Bill Stevens were selected to serve on the State Republican Executive Committee.⁸³

The appointment of Stevens was a rebuff to the "Lily White" faction and had the magical effect of uniting his

⁸⁰Clark, Populism, 166-67.

⁸¹Montgomery Advertiser, January 22, 1896.

⁸²Ibid., March 14, 1895; February 1, 20, 27, March 5, 26, 29, and April 14, 1896.

⁸³Ibid., June 13, 17, 19, and 21, 1896.

faction with the "Black and Tans." At the Republican state convention a fight ensued between the Negroes and white officeholders. This time Bill Stevens took a back seat and urged Leftwick to the front. Leftwick was defeated for the chairmanship, but he made a prediction that is still true today. He said that the failure of the Negroes to elect him head of the party was a great blunder because the whites were going to entrench themselves so well that no Negro would be able to hold an important office in the state for the next fifty years.⁸⁴ The faction drew up a platform condemning the Democrats for violence, fraud, perjury, and denial of civil rights. Fusion with the Populists was dependent upon the Populists agreeing to place two Republicans on the state ticket and a Negro on the campaign committee. The latter the Populists refused, so there was no official merger. Some Negroes became so disgusted with the situation that they pulled out of the party and attempted to set up a straight Republican ticket.⁸⁵

The Moseley "Lily Whites" bolted the regular "Black and Tan" convention after its defeat at the national convention and formed an alliance with the Populists. Kolb

⁸⁴Ibid., April 29, 1896.

⁸⁵Clark, Populism, 169; John D. Hicks, The Populist Revolt (Minneapolis, 1931), 371; Huntsville Mercury, July 5, 1896.

had been rendered inactive and his Jeffersonians defunct by the great beating that they had taken in the previous election. The Populist convention chose Albert T. Goodwyn, Kolb's first lieutenant, to head the state ticket. The convention closed with the hope that the "Black and Tans" would join the Populists before election time. The convention, however, was unaware of the terms of merger being formulated by the "Black and Tans."⁸⁶

The election campaign was almost a repeat performance of the election of 1894, except that Kolb was inactive and the Democrats hinted more strongly at disfranchisement and curtailment of Negro rights. At the August elections, Negroes generally stayed away from the polls or voted the Populist ticket. H. L. Strong, Negro physician and druggist running for coroner, made a good showing. The Democrats won and did not apply any special pressure to keep the Negroes from voting in the primaries. So, in November, Negroes returned to the polls en masse. One of the attractions was the candidacy of Treat, Negro candidate for Congress and Alexander, running as an elector. Both lost.⁸⁷

A stronger, more thoroughly united and aggressive Democratic party confronted the people in 1898. It adopted

⁸⁶Montgomery Advertiser, April 28, 1896.

⁸⁷Langham, "Mobile," 122.

an earlier rule of the Executive Committee which prohibited Negroes from participating in the primaries, but failed to enforce the rule. Johnston was again chosen to head the state ticket.⁸⁸

For the first time since 1876, the Republicans felt strong enough to "go it" alone and put out a state ticket. And then it happened; Bill Stevens and most of the Negroes bolted and decided to offer their own candidate. The Negroes were offended because the Republicans had failed to elect a Negro chairman of the convention to support four Negroes for postmasterships. They had also failed to add a Negro's name to the state ticket for the office of superintendent of education.⁸⁹

Bill Stevens was chosen chairman of the all-Negro convention. A platform was adopted and a full all-Negro state ticket was selected. This platform called for fair elections, equal protection of the law, better schools, and denounced the white machine. Reverend A. J. Warner, minister and political leader, headed the ticket.⁹⁰

The Populists, unable to command a coalition, presented a single party ticket headed by G. B. Dean of Shelby.

⁸⁸Montgomery Advertiser, February 12, 16, April 21, and 22, 1898.

⁸⁹Ibid., June 8, 1898.

⁹⁰Ibid., June 17, 1898, for names of Negroes filling the ticket.

The platform called for a free vote and fair count, disfranchisement to none, and equal rights to all.⁹¹

The campaign was mild. Negroes voted for all tickets, failing to support wholeheartedly the Negro ticket. Only in one county, Etowah, did Warner run a close second to Johnston, 239 to 150. Warner's total vote was 422. This was the last important election for the Negro--a kind of apex of Negro independent political efforts for the decade. However, in November Reverend Warner and A. N. Johnson of Mobile ran for Congress and were defeated.⁹²

Likewise, this election was the last semblance of unity for the Populists. The movement had been a failure. One of the prime factors that had caused the movement, economic depression, began slowly to lessen after 1894. One other factor that affected the party especially during the elections of 1892 and 1894 was its inability to wrest the control of the Negro vote in the Black Belt from the hands of the Bourbons. Black Belt Negro "votes" kept the Populists out. The opposition of the Conservatives who viewed the Populist threat as real⁹³--a chance fusion of the Negro

⁹¹Carrollton Alabama Alliance News, May 3, 1898; Mobile Register, May 3, 1898.

⁹²Mobile Register, August 2, 1898; Carrollton Alabama Alliance News, September 6, 1898.

⁹³Clark, Populism 21, 181-75; Woodward, Jim Crow, 42, 61-65; Moon, Balance of Power, 70.

and poor whites--was an obstacle the party could not surmount.

In 1900, the Democrats were again without real opposition or a real threat to their power. They turned their attention to insuring permanent white supremacy and disfranchisement of the Negro by law. Plans were laid for a constitutional convention and William J. Sanford, lawyer and former member of the convention of 1875, won the Democratic nomination for governor.⁹⁴

Token opposition came from a Republican party split four ways: "Lily Whites," All-Negro, and two factions of "Black and Tans." Early in the year the "Lily Whites" as a faction was absorbed by the other parties. The other three factions proceeded to the state convention. One faction of the "Black and Tans" led by Ad Wimbs, Negro lawyer from North Alabama, merged with the other after proper concessions had been granted Wimbs in the state organization and at the National Convention. The two remaining factions--the all-Negro, by then infiltrated by whites, and the regular "Black and Tans"--met in separate halls, declared platforms which guaranteed the ballot free from fraud, and decided against a state ticket. But a few days before the August primaries, the Executive Committee decided to put

⁹⁴Dubose, Alabama History, 298; Montgomery Advertiser, April 26, 1900.

out a state ticket headed by John A. Steele, judge from Tuscumbia. No Negro appeared on the state ticket. In North Alabama, H. C. Binford, colored editor of the Huntsville Journal, offered himself for the office of justice of the peace.⁹⁵

Negroes scarcely participated in the campaign or August elections. In the few counties where they did, they divided their votes among all parties. Whites fought each other at the polls and local Populist majorities were wiped out.⁹⁶ The Russell County Democratic Executive Committee was at a loss as to what to do with John Howard, Negro, who made a deal to deliver the Negro vote for a guarantee of the office as coroner. Howard delivered the vote and demanded his reward. The danger of a Negro holding the office lay in the possibility of the coroner succeeding to the sheriff's office in case the latter became incapacitated. Howard never served in his new office. It was rumored that he was bought off.⁹⁷ Binford lost his bid for office, but two other Negroes on the local level, E. R. Matthews and Jesse Ferguson, were elected justices of the peace.⁹⁸

⁹⁵Huntsville Republican, November 18, 1899; Huntsville Journal, March 2, 23, 25, 31, April 6, and June 22, 1900; Birmingham Wide Awake, March 28, 1900.

⁹⁶Mobile Register, August 8, 1900; Mobile Daily Hern, September 23, 1900.

⁹⁷Northport West Alabama Breeze, August 8, 1900; Seale Russell Register, August 10, 1900.

⁹⁸Huntsville Journal, August 10, 1900.

Following the August election, Binford and other Negro leaders advised "Negroes to work, save money, and stay out of politics until they could be assured of fair treatment. Negroes seemed to have adhered to this advice and failed to vote in the November national election. Those few who voted were asked to show their registration certificates--an old gimmick brought back to life by the Democrats.⁹⁹

Binford was later joined by Booker Washington who also told Negroes to stay out of politics, buy land, and save money. Washington's stand dismayed the old line politicians like Bill Stevens. Yet he emerged as the controversial but chief spokesman for the Negro in politics and as advisor to presidents. Washington remains a controversial figure even today. Did he or did he not help to pave the way for Negro disfranchisement by his open renunciation of active political aspiration for the Negro? The Negroes and whites of the period and after took him at his word. The former branded him an "Uncle Tom," the latter a genius on race relations. But to a recent writer, both accusers and defender were in error. Washington, unknown to both groups, used his personal money and influence through the courts and lobbyists to nullify the segregation and disfranchisement laws in Alabama and other southern states. He

⁹⁹Huntsville Journal, August 10, 1900; Birmingham News, November 2 and 6, 1900.

was a master at playing behind-the-scene roles. In this new capacity, he far surpassed and was more influential than many of the acknowledged educational-political leaders like William H. Council. Whether politicians liked Washington or not, if they planned to share in national spoils, they had to have his blessing.¹⁰⁰ Washington stood alone. No other Negro of so great a political significance emerged until after the 1930's.¹⁰¹

Lesser Negro leaders refused to follow Washington's advice. They called conventions, chose fighting mottoes, petitioned the governor, and set plans for greater registration and better use of an unpurchasable ballot. Failure to gain substantial redress for their political wrongs did not send these leaders nor their following scampering into

¹⁰⁰Matthews, Booker Washington; 12-112. For other comments on Negro leadership during the period see Aptheker, Negro People in the United States, 649; Rayford W. Logan, The Negro in American Life and Thought, The Nadir, 1877-1901 (New York, 1954), 277-82; Leslie H. Fishel, Jr., "The Negro in Northern Politics, 1870-1900," Mississippi Valley Historical Review, VIII (1921-1922), 466-89; Thorpe, "William H. Council," 85-89.

¹⁰¹Birmingham Age-Herald, December 25, 1889 and April 4, 1901; Woodward, Jim Crow, 61-65; August Meier, "Toward a Reinterpretation of Booker T. Washington," Journal of Southern History XXIII (1957), 220-27. In a letter to Washington Roosevelt recalled that he had appointed all persons that Washington had discussed with him and thanked Washington for the high character of men he had suggested. Elting E. Morison (ed.), The Letters of Theodore Roosevelt (Cambridge, 1952), VI, 988.

the Democratic fold.¹⁰²

Deterrent factors which probably kept the majority of Negroes from trying to enter the Democratic party were: the doctrine of white supremacy, cries of legal disfranchisement, fraudulent practices at the polls, attempts to make primaries white, and white conferences on the Negro problem. One such conference was sponsored by the "Southern Society for the Promotion of the Study of Race Conditions and Problems in the South." This conference made it clear to the Negro that: (1) he would never share political, social, and civil advantages equally with the whites; and (2) the parting of the ways should be legal.¹⁰³

Independent of the Democratic or Republican attitude toward manipulating, controlling, or disfranchising the Negro voter, both granted a minor portion of the spoils to the Negro. H. C. Smith, able Alabama Negro leader, was appointed by the Democrats as Consul to Madagascar and later as minister to Liberia.¹⁰⁴ The Post-Office Department appointed C. M. Childs, T. A. Motley, William White, and Frank Langston as postmasters in Alabama, and Henry J.

¹⁰²Montgomery Advertiser, July 26, 1900. Other daily copies of significance are: February 4 and May 9, 1891; February 20, 1892; June 17, 1893; March 22 and April 26, 1894; August 31 and December 14, 1895.

¹⁰³Ibid., May 5 and 10, 1900.

¹⁰⁴Ibid., March 7 and June 8, 1893.

Europe of Mobile as the first Negro special inspector.¹⁰⁵

In other federal departments, J. C. Leftwick and Nathan Alexander were appointed receivers of public monies, and H. V. Cashin, receiver of land office monies. Frank Treat became shipping commissioner for the Port of Mobile. Negro office holders on the state level were Isam Bell, deputy sheriff of Haynesville, John Howard, coroner, and several justices of the peace.¹⁰⁶

Thus, a decade ended and with it the political star of the Negro sank into a state of obscurity for at least thirty years. In fact, he had lost the voices of support that had come from fearless leaders. Many had died; others were bought off or intimidated; still others had given up the political cause as lost. A state of lethargy and mediocrity existed except in the case of Washington. The great majority of Negroes, however, refused to follow his political advice.

¹⁰⁵Bessemer Republican Echo, September 15, 1892.

¹⁰⁶Huntsville Journal, January 10, 1892; Huntsville Republican, April 19, 1900.

CHAPTER IV

LEGAL DISFRANCHISEMENT

The Populist revolt demonstrated to the "Generals" that existing statutory restrictions of the suffrage were inadequate to exclude the Negro, and that northern opinion was shifting to coincide with that of the South, to wit, Negro enfranchisement was a mistake. The commonly accepted idea that Negroes would vote with or be controlled by their former masters had been only partially successful. The refusal of the Negro voter to be ignored, the tendency of advancing Negro education to make obsolete existing constitutional controls, and the sure disintegration of the political system if fraud and duress continued, caused the "Generals" to become more tolerant and considerate of that element in the Democratic party which clamored for total legal disfranchisement of the Negro.¹

These would-be legal disfranchisers down through the years, 1866-1906, offered many bills whose purposes were to disfranchise the Negro through his lack of education and

¹Robert R. Moton, What the Negro Thinks (Garden City, 1929), 130; Summersell, "Governors Race," 27. For other views on legal disfranchisement see Woodward, Jim Crow, 52-56; Joe Taylor, "Populism and Disfranchisement in Alabama," Journal of Negro History, XXXIV (1949), 410-27; Edwin R. Embree, Brown America: The Story of a Tenth of the Nation (New York, 1944), 143; Evans, "Primary Elections," 451; Skaggs, Southern Oligarchy, 127.

property. At least four of the governors for this period had urged the legislature to place some kind of restriction on Negro voting.² Governor Johnston suggested that it might be done with such moderation, wisdom, and justice that those Negroes deprived would consider it a blessing. However, when a reluctant but petitioned legislature passed a convention bill, Johnston did an about-face. He refused to sign the bill on the grounds that white supremacy was as complete as could be, that no Negro held an important office, and if the people wanted the suffrage limited, they could do so with an amendment.³

The Democratic party and Senator John T. Morgan prevailed upon the legislature to override the objections of the governor; it was contended that the Negro was a threat to white supremacy, and that the evil forces of corruption needed checking. Morgan further said that he saw no use for the Negro as a voter, for his intelligence, virtue, or military strength.⁴ A year later the legislature passed the Hardwood Bill with little debate. The bill stipulated that 155 delegates to a constitutional convention would be

²Senate Journal (1890-1891), 44-45; (1892-1893), 11; (1894-1895), 184-85; (1890-1897), 340-60; (1898-1899), 162, 372.

³Montgomery Advertiser, April 8, 12, 14, 18, 19, 20, 22, and 23, 1899; Taylor, "Populism and Disfranchisement," 410-12.

⁴Greensboro Watchman, March 22, 1900; Key, Southern Politics, 544.

chosen in April and that the convention would assemble in May, 1901. The apportionment of delegates was made in such a manner as to give the Black Belt the control of a majority of the delegates. The Democratic State Convention, meeting January 15, 1901, declared for the convention.⁵

Booker Washington agreed with the whites that some restrictions should be placed on the ballot. He said that property and educational test for voting would permanently cure the evils in the voting process and cut off the large mass of demoralizing ignorant voters.⁶ Generally, other Negro leaders disagreed with this point of view. One of them, H. V. Cashin, maintained that the white vote was the menace since the Negro vote had been controlled since 1874; and that a convention based on race prejudice would limit the franchise to white men, perpetuate ring rule, and depress Negro voters.⁷

The Republican Executive Committee vacillated on the issue. It pretended to believe that a convention in which Republican representatives sat would show mercy to the Negro, not destroy him politically. But the "Black and

⁵Montgomery Advertiser, November 28, 1900; Acts of Alabama (1900-1901), 224.

⁶Washington, Future of Negro, 143-44; Booker Washington, Up from Slavery: An Autobiography (Garden City, 1922), 166.

⁷Huntsville Republican, March 16, 1901.

Tan" wing and the few remaining Populists openly opposed a convention. The former took the position that a convention would deprive the illiterate Negro of his vote, leave "Lily Whites" in control, and void the Fifteenth Amendment.⁸ The Populists opposed the convention on the grounds that poor whites would be disfranchised. However, in the end, the Populists favored complete disfranchisement for the Negro after they had been assured by the Democrats that not a single white man would be disfranchised.⁹

The opposition press, colored and white, contended that 20,000 educated Negroes would be disfranchised. They said that ballot box thieves could not be depended on to frame a constitution,¹⁰ that the movement was not to purify the ballot but to remove the excuse for Federal control, and that a convention would be expensive and confusing.¹¹

Negroes were warned by their newspapers that this convention would disfranchise them and that this might be their last chance to vote in any election in Alabama. So Negroes went to the polls and voted against the convention--

⁸Montgomery Advertiser's Almanac and Reference Book (1901), 173-74; Huntsville Republican, July 28, 1900.

⁹Langham, "Mobile," 167; Pickens County Alliance, July 7, 1900.

¹⁰Huntsville Republican, December 15, 1900; February 2, 1901.

¹¹Mobile Daily Item, March 13, 1901.

but to no avail. The "greatest steal" in Alabama's history took place--a steal admitted later by Democratic leaders. The official statewide count was 70,305 to 45,505 in favor of the convention. Many counties recorded warped, deceptive returns. For instance, Dallas County, with a voting population of 9,285 whites and 45,371 Negroes in 1900, cast 5,668 votes for the convention, 200 against. Another county, Lowndes, which had 5,590 Negroes and 1,000 white voters in 1900 cast 3,226 votes for the convention and 338 against.¹² Opponents of the convention claimed that it was "counted in" by the Negro vote in the Black Belt and at least one leading Democratic daily supported this contention.¹³

Since there had been a practice of prohibiting Negroes from holding elective office wherever possible, no Negro had been elected to attend the constitutional convention which met in Montgomery on May 21, 1901. John B. Knox, corporation lawyer, was selected as chairman of the convention. In his opening address, Knox said that the Negro had been the prime issue in 1861 as he was in 1901, that the convention would establish "legal white supremacy without disfranchising a single white man," that many Negroes would

¹²Montgomery Advertiser, April 24 and 25, 1901; Alabama Official and Statistical Register (1903), 142.

¹³Mobile Register, February 15, 1903; McMillan, Constitutional Development, 251-52.

qualify and be stimulated to learn to read and write. He justified the previous use of fraud, ballot box thievery, and future use of other restrictions by the right of revolution.¹⁴

On May 29, the selected Committee on Suffrage and Election held open house for the purpose of entertaining suggestions for new suffrage provisions and making studies of provisions already passed by sister states. More than fifty-five proposals were made to the committee directly or indirectly. Many of the proposals were impractical, illegal, and asinine. One proposal which contained ideas taken from many others would have granted the ballot to ten per cent of all men twenty-one, descendants of white parents, believers in the Diety, those naturalized since the American Revolution, those who paid taxes on \$10,000 worth of property, those kin by twenty degrees to former soldiers, and women who could write a legible hand. A grandfather clause which would apply to all men except those worth \$10,000 was proposed. Others proposed white and colored ballots--the latter for those who needed help in the voting process--and that Negro officeholding be prohibited except in the case of school teaching. At least two pro-

¹⁴Journal of the Proceedings of the Constitutional Convention of 1901, 9-12. Hereinafter cited as Journal of the Convention, 1901.

posals considered the rights of Negroes under the Fifteenth Amendment. The poll tax was favored by practically all proposals--it would strike the Negro economically.¹⁵

Negroes as individuals and in groups petitioned the convention, thus indirectly petitioning the Suffrage Committee. Three Negroes, the Reverend A. F. Owens, former slave, Dr. Willis E. Sterrs, leading North Alabama physician, and William H. T. Holtzclaw, teacher and political leader, sent individual petitions to the convention. Reverend Owens¹⁶ told the convention that the interest of the intelligent, law-abiding citizens of both races was identical. Dr. Sterrs¹⁷ warned the convention that "might is not all times right," and that it was unfair to judge the whole race by its criminals. Mr. Holtzclaw¹⁸ accused the convention of placing a premium on ignorance for the young white man and barring the progress of both races.

Booker Washington and others in a petition to the convention acknowledged the debt of the Negro to the white man but also reminded the white man of the contribution,

¹⁵Official Proceedings of the Constitutional Convention of the State of Alabama, 1901, I, 113-606. This publication is a four-volume verbatim reprint in book form of the "Official Proceedings" first printed in newspaper form in 1901 and hereafter cited as Official Proceedings.

¹⁶Official Proceedings, I, 430-31.

¹⁷Ibid., 655-56.

¹⁸Ibid., II, 2069-071.

past and present, of the Negro to the state. The petition said that for the first time since the Civil War the North had completely left the fate of the Negro in Southern white hands and that the Negro did not seek to rule the white man. "The Negro does ask," however, "that since he is taxed, works roads, is punished for crime, is called upon to defend his country, that he should have some humble share in choosing those who rule over him...."¹⁹ The Huntsville Journal, a Negro newspaper, considered the petition a prayer of beggars which would prevail little on a convention doing the work against color.²⁰

How right the Journal was! The Negro petitions were laid on the table and forgotten by the majority. On the thirty-third day, and after resolutions had been introduced to the convention urging the committee to make its report, the suffrage committee made a majority and a minority report. The majority report required for the franchise that male voters be twenty-one years of age, residents of the state two years, of the county one year, and of the ward three months; pay all present poll taxes and those accumulating after 1901; be of good character, able to read and write, and be gainfully employed, and not guilty of certain crimes--many of those listed were commonly committed by

¹⁹Ibid., I, 189-92.

²⁰Huntsville Journal, May 30, 1901.

Negroes. They must also pass a board of registrars, and swear by oath to tell the truth. All persons who were veterans of all American wars since 1812, or descendants of these veterans and those of the American Revolution were to become voters for life if they registered prior to January 1, 1903, and met age, residence, and poll tax requirements. This clause was known as the "temporary plan."²¹

Ex-Governor William C. Oates who had contended all along that some provisions should be made for qualified Negroes presented the minority report. The report declared that the "Descendant clause" conferred the right to vote on a class, not applicable to both races, and thus, by indirect means, denied the right to vote to citizens on account of race, color, or previous condition of servitude. It established a permanent, hereditary, governing class. The report said further that the inferiority of the white man to the Negro was proclaimed by requiring a lower standard for whites.²²

From July 23 to August 3, the convention debated the various sections of the majority report. The grandfather, good character, and understanding clauses consumed more than

²¹Official Proceedings, I, 1257-262; Journal of the Convention of 1901, pp. 380, 543, 603.

²²Official Proceedings, I, 1264-266. Also see "Open Letter to the Convention" in Edgar G. Murphy, Problems of the Present South (New York, 1904), 194-97.

one-half of the time spent on the entire report. Supporters of the above clauses claimed that they would render null and void the Fifteenth Amendment, prevent Negro balance of power, make the white man superior by law, and bring the ignorant white vote out of the cornfields. Illiterate sons of Confederate soldiers were defended on the grounds that they were victims of war. They had to work to support the family while fathers were away.²³

The opposition aimed most of its verbal ammunition at the grandfather clause. United States Senator John T. Morgan said that the grandfather clause would uproot the foundations of Democratic government by making blood the medium of transmitting the electoral power from father to son.²⁴ Oates contended that the clause was totally unnecessary, that some white men had no more right to vote than many Negroes, that the ballot should not go into vicious hands just because they were white, and that it was not wise to disfranchise all Negroes by questionable means.²⁵ Other opponents advocated the voting of all competent Negroes, and as a counter measure offered a plan that permitted all descendants of slaves to have the franchise.²⁶ The purpose

²³Official Proceedings, I, 780-1315; II, 1316; III, 3308.

²⁴Ibid., III, 2863.

²⁵Ibid., 2787-798.

²⁶Ibid., 2732-3073. Also see Walter J. Dees, Jr. and James S. Hadley, Jim Crow (Ann Arbor, 1951), 337.

of most of the argument was to stir up a favorable sentiment for ratification of the constitution.

At least four leading dailies and several county newspapers opposed the grandfather clause, and most of the newspapers in the state opposed the education clause.²⁷ They maintained that education did not necessarily make a man a better citizen, that the education clause would encourage Negroes to go to school, and that this would be the worst thing that could happen to them.²⁸ "Just a little education is a dangerous thing for a negro," said the Mobile Register.²⁹

The controversy over the poll tax provision in the convention was mild. Northern Alabama disagreed with the Black Belt over the period of time a voter would be liable for the tax--the Black Belt wanting the time span from twenty to sixty years of age. The two areas finally compromised on the majority plan which made the voter liable for the tax at a rate of \$1.50 a year from age twenty-one to forty-five. The price of the ballot could run as high as \$36.00. Payment of the tax was to be non-compulsory and would be made on February 1 of the election year, nine

²⁷Birmingham Labor Advocate, April 20, 1901.

²⁸Courland Lawrence County News, May 2, 1901; Sumter County Sun, May 16, 1901; Camp Hill Times, June 28, 1901.

²⁹Mobile Register, August 31, 1901.

months before the regular election. The purpose of early payment was to discourage the slothful, provide time for loss of receipt by the careless, and to make payment in advance by candidates unlikely.³⁰

Preceding November 11, 1901--the date set for the popular vote on the constitution--a vigorous campaign was waged by the Democratic party in favor of the new document. The campaign committee motto was, "White supremacy, honest elections, and the new constitution, one and inseparable."³¹ The people were told that the state needed rest from methods used to preserve white supremacy; that the new constitution would prevent the buying and selling of votes, and would prevent at least seventy per cent of the Negroes from voting.³² They said that government in Alabama would be left in the hands of the intelligent and virtuous white race, that the poll tax in the constitution would block the Negro because he would not pay it, and that the fate of the poor white man would be left in the hands of the registrars appointed by Democrats and in sympathy with white supremacy. In order to reach every section of the state, ratification clubs were organized.³³

³⁰Official Proceedings, III, 3381-382, 3402.

³¹Montgomery Advertiser, October 11, 1901.

³²Mobile Register, September 25, 1901; Camphill Times, October 8 and 25, 1901.

³³Sumter County Sun, October 17, 1901; Birmingham Labor Advocate, October 18, 1901; Montgomery Advertiser, October 15 and 20, 1901.

The main opposition to ratification developed within the Democratic party. Those persons who opposed the convention in the first place organized (under the leadership of ex-Governor Joseph F. Johnston) anti-ratification groups and chose ex-Congressman Charles M. Shelley as chairman of the campaign committee. Shelley later organized another group called the Committee of Nineteen. These groups were responsible for circular letters that were sent out over the state. These letters said that the constitution was a "concoction for the bosses" and asked the people not to vote for ratification.³⁴

Anti-ratification leaders said that the constitution was complex and ambiguous, that it neither secured honest elections nor white supremacy, and that the Negro should not be shut out from all political hope by a government that taxed him and in case of need demanded his life.³⁵ One leader facetiously said that the "grand-daddy clause, coupled with the good character racket feathered by an unholy set of registrars, say nothing of their good characters, is the king of slush and doggery," and that the Negro was in the most cases the son of his white daddy, the lawful de-

³⁴Montgomery Advertiser, September 15, 1901; Moore, Alabama, 658. For letters, see Montgomery Advertiser, September 15, 1901.

³⁵Montgomery Advertiser, June 12, September 19 and November 7, 1901.

scendant of a soldier. The Negro was the goat of contention.³⁶

Near the close of the campaign the much-neglected Negro was told by the Democratic campaign committee and others that there was no need to worry--the ballot had been of no real value to him anyway. The "intelligent" Negro was told that the new constitution was best for him, for suffrage, and for the state, that it would free him from the Republican debt that he thought he owed, and that he would be a select group since so few could qualify under the property clause.³⁷

Deserted by more than eighty per cent of the Republicans and most of the trusted Negro leaders, Negroes took matters into their own hands and called a convention in Birmingham for the purpose of devising a strategy to defend their rights. H. N. Johnson, Negro newspaper editor from Mobile, told the convention that whites who were trying to defeat the constitution were like lizards who changed color from time to time. He said that in reality no white man had come forward to help the Negro fight the constitution, that in the election the Negro would be powerless; therefore, the only remedy left was to raise money and carry a suit before

³⁶Centre Cherokee Harmonizer, August 15 and November 7, 1901.

³⁷Montgomery Advertiser, November 1, 7, and 9, 1901.

the Supreme Court of the United States. In the end, the convention decided that Negroes would stay away from the polls and seek redress for their grievances in the courts.³⁸

The Negroes' position was at its worst in October when Booker Washington accepted an invitation to dine at the White House with President Theodore Roosevelt and at the same time had his endorsement of Judge T. Jones as Federal District Judge recognized by the President. Later, Jones was appointed. What at first was complete consternation and surprise for the Democrats turned to joy when the political possibilities or potentialities of the invitation revealed themselves. They could picture the effects of a picture of the "President eating with a nigger." The Democrats said that if Negroes kept the ballot they would seek social equality with all whites and gave the Washington incident as an example. They accused the President of ruining the Southern Negroes.³⁹ The argument was effective even though several whites in Alabama defended the action of Washington. The Camphill Times said that Washington's good sense would soon enable him to live down the Washington dinner mistake. The Tuskegee News said that there was nothing unusual about the affair, that Washington was just

³⁸Mobile Register, September 28, 1901.

³⁹Montgomery Advertiser, October 19 and November 12, 1901.

among equals. President Roosevelt said that there was plenty of room to question the wisdom of having Washington to dinner, but he did what he believed to be morally right.⁴⁰

Negroes finally concluded that the constitution would be adopted with or without their votes. They were reminded by Democrats that "We'll have one big steal and honest elections thereafter."⁴¹ On November 11, the day the constitution was ratified by a vote of 108,613 to 81,734,⁴² most Negroes stayed away from the polls, but where they did vote, they cast their ballots against the constitution. In five of the Black Belt counties, where Negroes refrained from voting, the constitution was ratified by a vote of 26,442 to 1,142. There were 15,819 more votes cast for the constitution than there were white male voters in the five counties. The total colored male voting population was 29,616.⁴³ At McGhee Beat there were 45 to 50 whites to 350 Negroes. The vote cast for the constitution was 352 for, 39 against. One editor called this switch a "change part-

⁴⁰Camphill Times, December 13, 1901; Tuskegee News quoted in the Mobile Register, November 5, 1901. See Morison (ed.), The Letters of Theodofe Roosevelt, VI, 1359.

⁴¹Walker, Alabama Politics, 33.

⁴²Alabama Official and Statistical Register (1903), 141-142. The total number of males of voting age in Alabama at the time was 232,294 whites and 181,471 colored.

⁴³Montgomery Colored Alabamian, February 5, 1916.

ner act."⁴⁴ In defense of the party, another editor said that the Negro always votes right on strenuous issues.⁴⁵ Only in one county, Lee--where 1,214 Negroes cast 827 votes against ratification--did the Negro vote dominate.⁴⁶

Opponents of the constitution charged that it had been "counted in" by the fraudulent counting of the Negro vote whether he appeared at the polls or not. Late returns increased the suspicion.⁴⁷ Charles M. Shelley claimed that at Birmingham every effort was made to keep the Negro from voting, that "29,000 white majority should be overwhelmed by the votes of Negroes voting to disfranchise themselves, is a disgrace to civilization...."⁴⁸ Ex-Governor Johnston asked "Can any decent man rejoice over such methods which announce the majorities the day before the election?" Other opponents wanted to propose an amendment to the new constitution that would strike out the odious and undemocratic features. They said that the "Statesmen" made of Alabama a bound, swathed Egyptian mummy, that the Negro had been

⁴⁴Mobile Register, November 12, 1901; Cherokee Har-
monizer, November 21, 1901; Montgomery Journal, May 11, 1901.

⁴⁵Montgomery Journal, May 11, 1901.

⁴⁶Montgomery Advertiser, November 12, 14, and 20, 1901

⁴⁷James F. Doster, "Alabama's Political Revolution of 1904," Alabama Review, VII (1954), 85-98; Joseph C. Manning, "How the Democratic Machine Defrauded the People of Alabama," Montgomery Colored Alabamian, February 5, 1916.

⁴⁸Walker, Alabama Politics, 33; "The Alabama Decision," Nation, LXXVI (April, 1903), 346.

used to bind up the wounds of the nineties, then relegated to the limbo of forgotten things.⁴⁹

Though more firmly than ever entrenched by the new constitution, the Bourbons insisted on the use of the primary in the coming election of 1902 and threatened revolution if the plan was not adopted. There had been demands by many sources throughout the nineties for a primary, but the plan was never adopted on a state-wide basis. In some localities the primaries had been used effectively to bar the Negro long before the ratification of the Constitution of 1901.⁵⁰ The Bourbons claimed that the primary was necessary for the reunion of all wayward whites and for complete removal of the Negro. Most of the newspapers supported this contention. Those that opposed did so on the grounds that the primary meant political cleavage and such was not in the plan of the convention.⁵¹

When the two Democratic candidates for governor, William D. Jelks, former president of the senate, and ex-Governor Johnston came out for the primary, the Democratic

⁴⁹Woodward, Jim Crow, 65; Ester Armes, "Alabama in the Making," Survey (November 7, 1914), 132.

⁵⁰Montgomery Advertiser, January 26, May 12, October 12, 1893; April 11, December 2 and 5, 1896; November 17, 1898; January 15 and April 6, 1901.

⁵¹Cherokee Harmonizer, March 27, 1902; Mobile Register, July 9, 1902; Sumter County Sun, April 3, 1902.

Executive Committee had no other choice than to follow the Bourbons' demand and entertain resolutions for holding a primary election. The official resolution set Monday, August 25, 1902, as the date for the first state-wide white primary. Every white man qualified by law was given the right to participate in the primary but he must promise to support the selected nominees and respond to a challenge if given.⁵²

The first primary campaign was centered around the new constitution. Johnston was portrayed as the enemy of the constitution, Jelks its defender. Jelks swept the state. Every area claimed a quiet election because the Negro had been barred.⁵³ Later the legislature passed a primary bill which stated that the governor, state auditor, and commissioner of agriculture would choose three registrars for each county. These registrars, chosen for four years, were given full power to determine the fitness of applicants for registration. The primary was white by law. In an address to the people the Executive Committee said that the Negro had been eliminated, white supremacy established by law, and that two parties were now possible in Alabama.⁵⁴

⁵²Montgomery Advertiser, July 12, August 15, 1902; Alabama Official and Statistical Register (1907), 262-63.

⁵³Montgomery Advertiser, August 26, 1902.

⁵⁴Ibid., October 16, 1902; January 25, 1903; Charles E. Merriam and Louise Overacker, Primary Elections (Chicago, 1928), 73.

This official statement by the Democrats was joyously received by the white Republicans who looked jubilantly to the election of 1902--an election in which the white man was free to vote as he pleased, so they said. Vaughn and Bingham, "Lily White" leaders, were instrumental in getting their faction to adopt a resolution which stated that only those would be recognized and allowed to participate in the conventions who were qualified voters under the new constitution.⁵⁵ Ad Wimbs, the colored member of the Republican Executive Committee, attacked the resolution as being unfair to Negroes and said that he would carry the fight to the National convention. Some Negroes threatened bloodshed.⁵⁶

The old guard, like the "Lily White" faction, did not care to carry the Negro. At Birmingham the Executive Committee for the state, acting on a resolution passed by the "committee of seven," divorced Negroes from the party. When the state convention assembled, guards were placed on the door to keep Negroes out. Twenty-five Negroes in the halls sought admission to the convention but were denied. Vaughn told the convention that the Democrats could no longer call the Republican party the Negro party. Fay E. Hazen,

⁵⁵ Montgomery Advertiser, April 17, 1902.

⁵⁶ Ibid., August 2, 1902; Mobile Register, August 3, 1902.

Republican leader, said that all Negroes would be forced into the Democratic party. The Convention selected a white state ticket headed by J. A. W. Smith of Birmingham.⁵⁷ Many delegates came from local conventions where few if any Negroes attended.

A leading Negro editor summed up the Negro sentiment at the time. He said that it seemed that the Republicans were more anxious to get rid of the Negro than the Democrats were, and for them to do so seemed a crime; the Negro would leave both existing parties, set up their own, and vote as they pleased.⁵⁸

The ousted Negroes at Birmingham organized a party, passed a resolution that condemned the "Lily Whites," and sent a telegram to President Roosevelt congratulating him for selecting old line Republicans for office in Alabama. Negroes at Montgomery repudiated the "Lily Whites," promised to fight them in Washington and have them ousted. Ad Wimbs was sent to Washington to talk to Republican leaders. Wimbs was expected to ask for the organization of a new executive committee. K. S. Clarkson, Roosevelt's manager, told Wimbs that the President had told him that he intended

⁵⁷Huntsville Republican, August 19, September 6 and 20, 1902. See also Birmingham News, September 16, 1902; Montgomery Advertiser, August 15, 31, September 16, 1902.

⁵⁸Huntsville Journal, August 28, 1902.

to do as Lincoln did in 1861, crush the "Lily White" rebellion, and restore the Negro to his rightful place in the party.⁵⁹ Speaking for the President, Postmaster-General Payne said that the administration would not stand for the exclusion from the party of any section of the people by reason of their race or color. A Selma editor said that the President was fanatical about the wrong done to the Negro.⁶⁰

Clarkson evidently knew what he was talking about. "Lily White" heads in the state began to roll. Bingham lost the internal revenue post and later Vaughn was removed as United States District Attorney for the Northern District of Alabama. Vaughn was charged with gross neglect of duty. J. O. Thompson, white leader in the "Black and Tan" faction, was selected as the head of the Republican party in Alabama on the recommendation of Booker Washington. Commenting on the releases, Postmaster-General Payne said that the position to bar Negroes taken by the "Lily Whites" was looked upon by the North as a perversion of the fundamental principles of the Republican party. He said, "Neither the administration nor the Republican party of the North will stand for the exclusion of any section of our people by reason of

⁵⁹Montgomery Advertiser, October 14, 15, and 30, 1902.

⁶⁰Huntsville Journal, November 15, 1902; Huntsville Republican, November 15, 1902; Selma Times, December 13, 1902.

their race or color...." A "Lily White" editor said that the President could not stop the white movement.⁶¹ The Selma Times, a Democratic paper, said the Republican party was like a man who had a bear by the tail, so far as the Negro votes were concerned.⁶²

Negroes proceeded to organize a permanent party for the state of Alabama on the contention that no party existed after the President repudiated the "Lily Whites" and that the "Lily Whites" had not the sense to lead, nor the wisdom to follow. Negroes appealed to the Democrats to permit Negroes to register when the books would be opened for the last time for the permanent record. "Lily Whites" called the Negro movement a fake since they did not hold office.⁶³

Roosevelt's referees, headed by J. O. Thompson, persuaded the Negroes to postpone a permanent organization for thirty days so that the Executive Committee could rescind the order banning Negroes from participation in the party affairs. Later, the Alabama Republican Executive Committee under pressure from the President rescinded the order and declared that the policy for the future would admit all

⁶¹Huntsville Republican, November 15, 1902.

⁶²Selma Times, December 13, 1902.

⁶³Huntsville Journal, December 18 and 25, 1902; Jacksonville Republican, December 18, 1902.

qualified voters into the party with the stipulation that the voters support the candidates. Negroes were accused of sending threatening letters to the "Lily Whites."⁶⁴

In the meantime, and while the "Lily Whites" and Negroes were maneuvering for advantageous positions in the party, the Populist party, which had supposedly died of a "superinduced fusion, and an overdose of bichloride of Negro, hyperdermically injected," came to the front and proposed unity with the Democrats. In some counties the two parties did unite. The Populists claimed that broken promises by the Republicans and the elimination of the Negro made it possible for them to rise again and seek unity with white Democrats.⁶⁵

Negroes sought registration under the new constitution and newly passed primary law. The Negro's position in politics in Alabama relative to his numerical strength before and after the adoption of the Constitution of 1901 shows that in 1890 of the 678,489 Negroes 140,000 or more were voters; ten years later 100,000 of the 827,307; and in 1910 only 3,742 of the 908,275 Negroes were voters. This was 4,258 less than the estimated 8,000 that would be able to qualify under the new constitution. There were 300 veterans living

⁶⁴Huntsville Republican, December 27, 1902; February 4 and 21, 1903; Montgomery Advertiser, February 12, March 7 and 24, 1903.

⁶⁵Clark, Populism, 178; Cherokee Harmonizer, March 27, 1902.

in the state with 168 of them residing in Montgomery County.⁶⁶

The enormous decrease of about 43,000 Negro voters between 1890 and 1900 is not readily explainable. However, contributory factors not to be overlooked are the tightening of registration rules after the Populist revolt, a more systematic purging of the registration lists, the expanding drive toward complete disfranchisement, and--greatest of all--Negro apathy encouraged by some of the Negro leaders.

The new constitution wiped the registration lists clean. Negroes, laboring under the most unfavorable situation since Reconstruction, attempted to regain the lost ballot. It is interesting to note that under the temporary plan (which lasted until January, 1903) set up to enfranchise illiterate poor whites, a greater number of Negroes were registered than at any time prior to the years, 1930-1940. Table I shows the registration figures for 1903-1908. Column (1) designates registration under the temporary plan prior to January 1, 1903. In the twelve Black Belt counties of Bullock, Dallas, Greene, Hale, Lowndes, Macon, Marengo, Montgomery, Perry, Russell, Sumter, and Wilcox

⁶⁶United States Census, 1910. Vol. II: Population, 39-64; Alabama Official and Statistical Register (1903), 146-50; Huntsville Republican, October 18, 1902; Huntsville Journal June 15, 1900. White population for 1890 was 833,118; for 1900, 1,001,152; and for 1910, 1,228,841.

where the Negroes outnumbered the whites two to one and where an overwhelming majority of Negro voters resided prior to the ratification of the new constitution, 1,008 Negroes were registered. This figure represented a little more than one-third of the total Negro registration of 2,980. In the other sections of the state, Baldwin County contributed the greatest number (196) of registered Negroes; Calhoun, Madison, Mobile, Pickens, Tuscaloosa, and Jefferson counties had more than one hundred each.

Column (2) represents the first year of registration under the permanent plan of the Constitution of 1901. The twelve Black Belt counties show a total of 1,118 registered Negroes, a gain of 110 over the 1903 figure. Negroes made the greatest gains in Jefferson County where the number rose from 146 in 1903 to 352 in 1904.

Columns (3) and (4) show a steady decline of Negro registration. Only forty-two were registered in the whole state in 1906, forty-six in 1908. Escambia, Macon, Montgomery, and Jefferson counties added Negroes to the registration lists every year. In nine counties there were no Negroes registered. At the close of 1908, column (5), the Negro registration total stood at 3,742, a gain of only 762 for the entire state under the permanent plan. The 762 Negroes registered was 1.3% of the 58,889 whites registered under the permanent plan. The total number of Ne-

groes registered for the eight year span was 3,742 which is 1.5% of the total number of registered whites, 250,381. It would appear that the registrars were becoming more proficient in rejecting Negro applicants; the poll tax was more discouraging; the Negro more apathetic.

TABLE 1. REGISTRATION IN ALABAMA UNDER THE CONSTITUTION OF 1901 (a)

	(1)	(2)	(3)	(4)	(5)
	Temporary		Permanent		
	Prior to January 1903	1904	1906	1908	Total
Counties	White Col.	White Col.	White Col.	White Col.	White Col.
Autauga	1,465 37	1,554 35	140 --	168 --	1,862 35
Baldwin	1,117 196	1,390 206	243 --	274 --	1,907 206
Barbour	2,595 36	2,846 46	245 --	211 --	3,302 46
Bibb	2,343 48	2,725 59	168 --	317 --	3,201 59
Blount	3,445 --	3,182 --	409 --	489 --	4,080 --
Bullock	1,225 10	1,291 14	86 --	125 --	1,502 14
Butler	2,681 1	2,739 2	268 --	313 --	3,320 2
Calhoun	4,612 122	4,892 130	174 --	500 21	5,566 151
Chambers	3,032 28	3,098 28	240 --	236 --	3,574 28
Cherokee	3,089 37	3,004 27	346 --	276 --	3,626 27
Chilton	2,635 4	2,970 1	335 --	377 --	3,682 1
Choctaw	1,409 19	1,496 29	143 --	127 --	1,766 29
Clarke	2,174 62	2,485 158	192 --	128 --	2,805 158
Clay	3,204 --	3,501 --	207 --	330 --	4,038 --
Cleburne	2,111 --	2,280 --	212 --	264 --	2,756 --
Coffee	2,925 --	3,334 --	444 --	342 --	4,120 --
Colbert	2,020 27	2,233 22	220 --	495 --	2,948 22
Conecuh	1,911 2	2,049 7	187 --	263 --	2,499 7
Coosa	2,270 1	2,134 --	-- --	-- --	2,134 --
Covington	2,563 3	2,857 3	398 --	510 --	3,765 3

TABLE 1. (Continued)

Counties	(1)		(2)		(3)		(4)		(5)	
	Temporary				Permanent					
	Prior to January 1903		1904		1906		1908		Total	
	White Col.		White Col.		White Col.		White Col.		White Col.	
Crenshaw	2,782	--	2,982	--	187	--	352	--	3,521	--
Cullman	4,173	1	4,641	4	356	--	638	--	5,635	4
Dale	3,235	11	3,021	11	225	--	236	--	3,482	11
Dallas	2,326	59	2,419	52	295	--	540	3	3,254	55
Dekalb	4,645	--	4,388	--	297	--			4,685	--
Elmore	3,061	50	3,030	54	320	1	241	--	3,591	55
Escambia	1,418	34	1,676	46	191	1	414	8	2,228	55
Etowah	4,199	25	4,186	39	582	--	523	--	5,291	39
Fayette	2,477	--	2,563	7	263	1		--	2,826	8
Franklin	2,312	11	2,600	12	207	--	380	--	3,187	12
Geneva	2,422	--	2,873	30	411	--	488	--	3,772	30
Greene	698	90	739	104	65	--	52	--	856	104
Hale	1,227	20	1,362	92	154	--	87	--	1,603	92
Henry	4,778	--	2,072	--	195	--	246	--	2,513	--
Houston	--	--	2,757	--	319	--	772	--	3,848	--
Jackson	4,356	68	4,704	73	395	--	329	--	5,428	73
Jefferson	16,104	146	18,315	352	2,428	18	3,461	6	24,204	376
Lamar	2,360	7	2,356	7	236	--	349	--	2,941	7
Lauderdale	3,167	75	3,305	76	406	--	429	--	4,140	76
Lawrence	2,231	21	2,367	49	310	--	373	--	3,050	49

TABLE 1. (Continued)

Counties	(1)	(2)	(3)	(4)	(5)
	Temporary		Permanent		
	Prior to January 1903	1904	1906	1908	Total
	White Col.	White Col.	White Col.	White Col.	White Col.
Lee	2,445	2,652	226	--	2,878
Limestone	4	12	--	--	12
Lowndes	2,399	2,722	317	--	3,351
10		28			28
Macon	1,061	1,085	109	--	1,267
65		57			57
Madison	4,413	4,479	98	2	1,154
122		112			69
			769	--	5,994
					112
Marengo	1,880	2,043	255	2	2,500
302		302			304
Marion	2,404	2,698	329	--	3,381
25		25			25
Marshall	4,012	4,251	599	--	5,517
--		--			--
Mobile	7,104	7,295	247	--	7,542
183		193			193
Monroe	1,742	2,178	161	--	2,603
40		40			40
Montgomery	4,507	4,995	456	12	6,689
47		53		4	69
Morgan	3,908	4,506	505	--	5,567
38		60			60
Perry	1,492	1,659	124	--	1,917
86		90			90
Pickens	2,106	2,217	229	1	2,645
127		111			112
Pike	3,148	3,126	286	--	3,674
19		26			26
Randolph	3,209	3,363	233	--	3,821
16		13			13
Russell	1,083	1,170	66	--	1,381
196		191			191
Shelby	3,192	3,712	352	--	4,653
14		19			19
St. Clair	2,713	3,340	374	--	4,147
25		50			50
Sumter	1,178	1,244	102	--	1,450
54		57			57

TABLE 1. (Continued)

	(1)	(2)	(3)	(4)	(5)
	Temporary		Permanent		
Counties	Prior to January 1903	1904	1906	1908	Total
	White Col.	White Col.	White Col.	White Col.	White Col.
Talladega	3,183 73	3,303 81	229 --	372 --	3,904 81
Tallapoosa	4,006 2	4,166 33	221 --	329 --	4,716 33
Tuscaloosa	3,710 166	4,153 165	582 --	416 --	5,151 165
Walker	4,334 --	4,894 1	505 1	601 2	6,000 4
Washington	1,082 36	1,339 53	167 3	127 --	1,633 56
Wilcox	1,649 35	1,522 41	252 --	--	1,774 41
Winston	1,777 --	1,833 1	369 --	300 --	2,502 1
Total	191,492 2,980	205,278 3,654	20,652 42	24,451 46	250,381 3,742

(a) Alabama Official and Statistical Register (1907), pp. 230-31; ibid., (1911), 262-63; Mobile Weekly Press, February 20, 1902.

A few of the Negroes who qualified under the temporary plan were Anthony Jones, volunteer infantryman of the Spanish American War; John Wilson, a Philippine veteran; Alexander Brooks, a Civil War veteran, and his son, Thomas Brooks.⁶⁷

At the election in November, 1902, Negroes in Mobile, Lowndes, Marengo, and Randolph counties voted the Democratic ticket. In most Black Belt counties Negro voting was light.⁶⁸ At New Decatur, Negroes remained away from the polls in order to show the Republicans that they could not win without their votes. A few Negroes ran for office. Dr. George H. Alkerson of Birmingham ran for Congress, and H. C. Binford and Daniel Brandon ran for aldermanic seats at Huntsville. All three lost but acquired quite a number of white votes. Ad Wimbs received one write-in vote for governor at Huntsville, and four Negroes served on the election board.⁶⁹

The registration and election of 1902 settled the question in the minds of the Democrats as to whether the

⁶⁷Montgomery Advertiser, March 14, 22, 29, April 9 and July 31, 1902; Baldwin Times, July 24, 1902.

⁶⁸Montgomery Advertiser, November 7, 1902; Birmingham News, November 1 and 4, 1902; Mobile Register, November 5, 1902.

⁶⁹Huntsville Republican, November 6, 1902; Huntsville Journal, 3 and 6, 1902; Sumter County Sun, November 13, 1902.

constitutional guards were strong enough to hold against the Negro "horde" and keep under control the poor white voter. The guards had held; one-party rule was assured. All differences of opinions could now be resolved within the party. They were willing to gamble that the registrars and the poll tax would hold against the great number of Negroes who could qualify under the \$300 property clause of the permanent plan. Other issues--railroads, schools, prohibition, embezzling state funds--employed the attention of the Bourbons for the next few years. Republicanism ceased to be a threat; it was only an unimportant opposition in national elections. Other splinter parties spent the next few years sniping at, or wooing, the Democrats and fighting among themselves.⁷⁰

What was to be the status of the Negro in the Republican party after the election? The Negro had, after a request from the President, agreed not to organize a permanent second party, but he had bolted the party's ticket in the election and generally supported the Democratic ticket. No attempt was made on the part of the President nor the state leaders to punish the wayward voters. Instead, they were welcomed back into the party. Of the 300 dele-

⁷⁰ Senate Journal (1903); Montgomery Colored Alabamian, April 20, 1912; Shelby County Sun, May 12, 1910.

gates attending the convention of 1903, one hundred seven were Negroes--seated for the first time in a segregated section. Five Negro leaders were given important appointments in the convention. Negroes were told that the whites had nothing against Negroes' holding office and assisting in running the party. To these claims A. W. Johnson took exception. He said that the promises sounded all right but came from a party that had treated the Negro worse than the Democrats had treated him. It was recommended by the convention that Alabama's representation be cut and "Lily Whites" make their position on the Negro clear.⁷¹ A few days later they decided to let qualified voters participate in their affairs.⁷²

The "Lily Whites" then began to fight for survival and recognition from the National party. In 1904 white supremacy bars were lowered enough to permit one Negro, Dr. E. Scruggs of Huntsville, to enter the "inner sanctum" of the party.⁷³ This gesture did not help, however, to improve their position in the National party. When the National Convention met at Chicago, a mixed delegation from Alabama was seated, and a plank of the convention's

⁷¹Huntsville Republican, May 9, 1903; Montgomery Advertiser, May 7, 1903; Montgomery Journal, May 16, 1903.

⁷²Montgomery Journal October 24, November 11 and 12, 1903.

⁷³Huntsville Republican, February 29, May 13, 1904.

platform demanded that Congress investigate disfranchisement of the Negroes in the South.⁷⁴ In the November election of 1904, Eugene Stewart, Negro, was elected Constable of Pintala.⁷⁵

Completely ignoring the "Lily White" independent move, Roosevelt sent two referees, J. O. Thompson and Charles H. Scott, to Alabama for the purpose of uniting the various factions in the party. The referees, however, made matters worse by uniting with one faction against the other. In 1906, and again in 1908, the referees became involved in a party emblem dispute. In 1906, the referees denied the Stratton Faction, the "Lily White" group in the "Black and Tans," the use of the party label and emblem.⁷⁶ In 1908, the Julius Davidson faction, successor to the Stratton faction, was denied the use of the label and emblem by the referees who resorted to a court injunction. The Davidson faction put out a full ticket without the Republican name in the regular place on the ballot. The referees put out a ticket also under the name of the Thompson or regular Republicans.⁷⁷

The referees had taken sides with and supported the colored wing of the party. At Eufaula, Bay Minette, and

⁷⁴Huntsville Journal, March 3, May 19, 1904.

⁷⁵Montgomery Advertiser, November 9, 1904.

⁷⁶Ibid., July 25, November 16, 1906.

⁷⁷Ibid., July 16, 1908.

Birmingham, the referees supported ousted Negroes, rebuked the Republican whites for trying to make the "Black and Tans" "Lily White" and for meeting at places where Negroes could not attend.⁷⁸ Negroes were invited to the Thompson convention and were given important positions on all committees. It was rumored that Negroes had threatened to send a third delegation to the National Convention at Chicago if they had not received the same recognition at the other factions. The Davidson-Thompson faction opened a Republican primary in the state for the first time and welcomed all voters regardless of past affiliations. Both factions lost in the primaries.⁷⁹

Both wings of the "Black and Tans" sent mixed delegations to the National Convention at Chicago. The Thompson or Taft wing was seated.⁸⁰ At least one Negro in the state, Booker Washington, was pleased with the nomination of Taft. Other Negroes were displeased with his and Roosevelt's performance in the Brownsville, Texas, incident where a whole company of Negro soldiers was discharged be-

⁷⁸ Ibid., January 10, February 16 and 18, 1908.

⁷⁹ Ibid., April 4, 30, May 5, 1908; Alabama Official and Statistical Register (1907); 230-31; (1911), 262-63.

⁸⁰ "Alabama Delegation," a pamphlet, contest over delegation from the state at large, Republican National Convention 1908; pp. 2-4. In Alabama State Department of Archives and History, Montgomery, Alabama.

cause of a crime committed in Brownsville. Negroes said that Taft was too weak to be trusted; that he apologized too much for favorable statements toward the Negro; that his election meant four more years of injustice and oppression because Taft would simply be acting for Roosevelt, and the Democrats and Republicans saw eye to eye on Negro rights. In short, the Negro was "between the devil and the deep blue sea."⁸¹

A great number of the 3,742 registered Negro voters cast ballots for the Democratic ticket in the November election.⁸² Negro leaders in and outside the state advised Negroes that it was far better to vote for an "avowed enemy, rather than for a false friend."⁸³

⁸¹Montgomery Colored Alabamian, January 11, June 27, July 4, 1908; Birmingham Reporter, February 28, 1908. Roosevelt absolved Taft from all responsibilities at Brownsville. He said he personally supervised the investigation and over the protest of Taft issued the order that dismissed the Negro troops. In fact, Taft spent about \$15,000 reinvestigating the case but found nothing new.

In defense of his action in the Brownsville affair Roosevelt asked"----Why put murderers and perjurers back in the army so as not to alienate the Negro vote?" He said, "I not only hope, but believe, that I have stood as valiantly for the rights of the Negro as any President since Lincoln; and I should be a traitor to the Negro as well as to the white man and to the country if I now sanctioned crime in order to placate the Negro vote...." Morison, Letters, VI, 1163, 1105, 1026.

⁸²Alabama Official and Statistical Register (1907), 230-31; ibid., (1911), 262-64.

⁸³Montgomery Colored Alabamian, June 1, 1912.

For the next four years, Negroes like Ad Wimbs, F. H. Thweat of Marengo, and others, were given a few important positions in the party. But such positions were only "window dressing." The Negro was powerless. At Chicago, Taft was renominated over his objections. On the other hand, Roosevelt's Progressive party in Alabama declared itself "Lily White" and barred seventeen Negroes who showed up at the state convention. The Negroes organized, selected delegates, and asked to be admitted to the "Bull Moose" convention at Chicago. Roosevelt denied them seats and explained that the republican party had made a fatal error forty-five years earlier by building in the South a party dominated by Negroes. Seemingly every turn of the Negro was blocked.⁸⁴ He was faced with a condition rather than a theory.

Even on the legal front no substantial political gains were acquired by the Negro. In order to test the constitutionality of the disfranchising provisions of the new state constitution and the arbitrary power of the registrars, the Negroes organized the Colored Man's Suffrage Association which issued an appeal to Negroes of the state for \$2,000 to pay the costs of court action and of a circular letter. The letter said that the spirit of the constitution was to disfranchise the Negro; that Negroes who

⁸⁴Ibid., June 29, 1912; Howard W. Smith, "The Progressive Party and the Election of 1912 in Alabama," The Alabama Review, IX (1956), 5-22.

were morally, intellectually, and financially fit had been denied the right to vote and that registrars' requirements were out of harmony with law and justice, since only Negroes had to produce two white character witnesses. The Association declared that Negroes sought their rights not in a manner damaging to any citizen of Alabama.⁸⁵

In May, 1902, the Association employed William H. Smith, a Negro lawyer from New York to file a petition to the State Supreme Court for a writ of mandamus in the name of Jackson W. Giles, a Negro janitor at the Federal Building, and for other Negroes for the right to qualify as electors in Montgomery County. The writ, if granted, would have compelled the Montgomery Board of Registrars to issue to the plaintiff a registration certificate. The petition declared that the constitution divided qualified electors into classes and clothed the board of registrars with illegal and discretionary power. Supporting affidavits were secured from Nelson Bibb of Montgomery County and Elbert Thornton of Barbour County. Bibb and Thornton alleged that they had been denied the right to vote because of color, required to produce white character witnesses, and subjected to unfair questions. Thornton said that he answered all questions put to him except "What are the differences

⁸⁵Huntsville Journal, May 1, 10, and 11, 1902.

between Jeffersonian Democracy and the Calhoun principles as compared to the Monroe Doctrine?"⁸⁶

The State Supreme Court denied the petition. The Court said that if Sections 180, 181, 183, 184, 186, 187, 188 of Article VIII of the Constitution of 1901 were void, as the plaintiff alleged, then the board of registrars which refused to let the plaintiff get on the voting list was without authority to register him, there being no law under which a proper registration could be had. Therefore, the refusal of the board to register the plaintiff did not render it liable for action. The court further declared that if the said provisions were valid, the judicial discretion conferred on the board protected it from such actions brought by the plaintiff. The case was amended with other complaints and carried to the Supreme Court of the United States. Before the Court the plaintiff contended that the above sections of Article VIII of the Alabama Constitution of 1901 rendered portions of the Fourteenth and Fifteenth Amendments of the Constitution of the United States null and void, bestowed on the board of registrars arbitrary discretionary power, and deprived Negroes but not whites of the ballot. The Court dismissed the proceeding and refused to consider the constitutional question because the state court had decided the cases on procedural grounds.

⁸⁶Montgomery Advertiser, May 7, 1902.

The Court held that it had no jurisdiction, there being no federal question involved. The disfranchising of plaintiffs in the case was overlooked. They were told to look to Congress for relief. The dissenting judges said that the court erred in dismissing the case; that the Court had jurisdiction, and should have given Giles relief; and that since \$2,000 was involved the Circuit Court could have redressed the wrong.⁸⁷

Later Peter Crenshaw, colored politician, brought suit in the state court, and a jury ruled that the registrars must give him a life certificate and place him on the permanent roll. Crenshaw became the first Negro in Alabama to be granted the right to vote by court order.⁸⁸

Referring to the Supreme Court decision which failed to uphold their right to vote, Negroes accused the court of cowardly yielding to the powers in the South. They appealed to Congress to grant them relief from their distress or cut the representation of Alabama. Their appeal was ignored. Congress even killed the Crumpacker Bill which would have cut the Alabama delegation by three because of

⁸⁷Giles v. Harris, 189 U.S. 475 (1903); 23 Sup. Ct. 639 (1903); Giles v. Teasley, 136 Ala. 164 (1902), 33 So. 819 (1902). See Mangum, Legal Status, 402-03; Julian C. Monnet, "Negro Disfranchisement, Latest Phase of," 26 Harvard Law Review 42 (1912-13), 53-60; Charles W. Collins, The Fourteenth Amendment and the States (Boston, 1912), 58.

⁸⁸Huntsville Journal, April 17 and 23, 1903.

the disfranchising of Negroes.⁸⁹

Ambitious Negroes who took part in the fight for the ballot lost their jobs. Three Negroes were fired from the postoffice at Montgomery. One of them, Jim Jeter, was one of the spark plugs behind the Suffrage Association. The Association died after the close of the Giles case because of the lack of money and members. Negroes, for economic reasons, were afraid to be identified with the organization.⁹⁰ In Colbert County Negroes called a mass meeting for the purpose of drafting a letter to President Roosevelt asking him to set aside a reservation for Negroes where their full rights of citizenship might be enjoyed without fear or intimidations.⁹¹

At the peak of his political crisis, the Negro was without sufficient, able, experienced, and aggressive leadership. Booker Washington remained the most outstanding politically and educationally. Washington advised the Negro to make himself intelligent first, and not to bother with politics. He felt that the whites could not deny

⁸⁹Congressional Record, 57 Cong. 2 sess., XXXIV, 517-72; Baldwin Times, April 3, 1902. Booker Washington supported the Giles case. His secretary, Emmett J. Scott, and lawyer, Wilford Smith, in New York, corresponded about the Giles case under pseudonyms and represented the sums of money involved in code. Meier, "Reinterpretation," 222.

⁹⁰Moton, What the Negro Thinks, 131-32; Huntsville Republican, June 14, 1902.

⁹¹Huntsville Republican, April 28, 1903; Montgomery Advertiser, November 13, 1901.

an intelligent Negro the ballot. He said that "wrongs to the morals of the white man permitted by the constitution were permanent, while those to the Negro were temporary."⁹² But such advice seemed traitorous, erroneous, and "Uncle Tomish" to many Negroes. On the other hand, many whites were dubious of Washington's intentions and said that as advisor to President Roosevelt he had "meddled in white affairs." He was threatened by state investigation committees and at one time a committee went so far as to hold hearings on the possibility of withdrawing the tax free status of Tuskegee Institute. Washington's political usefulness to the Negroes in the state was nullified to a great extent by this move on the part of the legislature.⁹³

However, on the horizon were many political fledglings not yet ready to assume the full leadership role but initiating the use of a new weapon, protest. They were: S. R. W. Smith of Selma University; President R. Buchanan of Alabama's Agriculture and Mechanical College; Nathan H. Alexander, president of Penny Savings Bank of Montgomery; and William Pickens of Talladega College, by far the most

⁹²Mobile Register, July 27, 1902; F. D. Patterson, "Negro Disfranchisement," Encyclopedia Americana, (1956) XX, 52; ibid., XXVII, 467.

⁹³Sister Lourdetto, "Negro Suffrage in the South, 1870-1900," (M.A. Thesis, Marquette University, 1950), 106-12; Montgomery Advertiser, November 27, 1904; February 22, 1905, January 1, 1907.

vocal and the best known.⁹⁴ Pickens did not appease nor apologize for the Negro's part. He told the Negro to cease being a "voting machine" and vote his convictions. He said that blind adherence to the Republican party had to go.⁹⁵

Following the adoption of the new constitution Negro appointments and officeholding declined. Roosevelt in his attempt to placate the Negro, appointed two deputy collectors, a receiver of public monies and an internal revenue collector; refused to appoint a white man as postmaster at Marion where Negroes had served for several years; and opened a postoffice at Tuskegee Institute with Booker Washington's brother as postmaster.⁹⁶ Taft, hostile to Negro officeholding, made no important appointments in the state.

On the state level only one Negro, Eugene Stewart, was elected to an office during this period. Two Negroes were appointed notaries public by the governor, and Calvin Childs was selected Deputy of Mobile County. Some cities that had elected Negro aldermen for twenty-five years now had none.⁹⁷

⁹⁴Montgomery Colored Alabamian, February 8, 1908.

⁹⁵Ibid., January 15, 1910; February 22, 1913.

⁹⁶Huntsville Republican, December 6, 1902; November 7, 1903; Montgomery Advertiser, November 28, 1902; November 24, 1903.

⁹⁷Montgomery Advertiser, June 1, 1905; Mobile Weekly Press, June 6, 1914.

The net results of all the Negroes' efforts were a few jobs, without the promise of more. On the voting lists he was a mere fraction of what he had been before disfranchisement.⁹⁸ In his attack on the jury system he had minor success but the foundation for this success had been laid earlier in border and northern states. The Supreme Court of the United States held in Rogers v. Alabama (1903) that if Negroes were systematically kept from jury services because of color then the Fourteenth Amendment had been violated. Most of the counties still refused to let Negroes serve on juries in spite of this ruling.⁹⁹

Finally, what were the obstructions to Negro political progress in Alabama? Generally, the entire constitution and specifically, poll taxes, registrars, intimidations, apathy, and many other legal and extra-legal practices were obstacles which the Negro had to overcome. The most effective restriction on the right to vote was the poll tax and its accumulative features. All eligible males between the ages of twenty-one and forty-five were liable for the tax of \$1.50 per year. Negroes and poor whites had not

⁹⁸Alabama Official and Statistical Register (1904-1907), 262-63.

⁹⁹Rogers v. Alabama, 192 U.S. 226 (1903). See Strauder v. West Virginia, 100 U.S. 303; Andrew C. McLaughlin, A Constitutional History of the United States (New York, 1935), 725; Gilbert T. Stephenson, Race Distinctions in American Law (New York, 1910), 253-54.

paid the tax in the past when it was required by law. No wonder, then, that they overlooked it when its paying was placed on a voluntary basis. By 1912, the tax was supposed to have disfranchised 180,000 Negroes and 100,000 whites. The next most potent obstacles were the registrars who were past masters at inventing subterfuges and ingenious questions. Intimidations pursued the usual course: the use of violence and economic threats. The worst of all, however, was the state of apathy into which the Negro fell and generally was to remain for the next eighteen years. The white press with its constant barrage of white supremacy messages, continuous advice from Negro leaders and editors to get out of politics, white primaries, and one-sided elections finally convinced a majority of the Negroes of the uselessness of trying to press for political rights.

CHAPTER V

THE RETURN OF THE NEGRO TO ALABAMA POLITICS

The return of the Negro to politics in Alabama was strewn with disappointments, apathy, force, intimidation, and fraud. The somewhat compromised role that he had played prior to 1901 had been eliminated by the disfranchising clauses of the Constitution of that year. By 1912 he had regained only a fraction--3.7 per cent--of the voting strength he had possessed in 1900. It seemed that the thrust from relative political obscurity to balance of power--made possible by Populism--set the stage for his complete disfranchisement.

The Negro listened plaintively to white politicians proclaim the period from 1912 to 1930 as one of tranquility--the return to normalcy. Peace and prosperity prevailed. White supremacy--supported by the new constitution, the Anglo-Saxon race, and God Almighty--was unchallenged. The white electorate had been reduced to the point where it could easily be controlled. Registrars, the poll tax, and general apathy could be depended upon to control or eliminate ambitious Negroes who might have ideas of sharing in elections and the government.¹

For many Negroes the honeymoon with politics was

¹DuBose, Alabama, 308; McMillan, Constitutional Development, 370.

over. A complete state of lethargy--encouraged by whites who told the "sensible" Negroes to leave politics to the superior race--surrounded them. However, there were a few Negroes who refused to leave politics to the superior race or swallow the propaganda of the white politicians that politics were cleaner since the Negro had been eliminated. They knew that a degraded, debauched white electorate still offered its vote for sale.² This small minority of Negro voices exclaimed "Taxation without Representation," and claimed that thousands of black men who could measure up to every requirement of the new, unjust suffrage provisions were--by fraud--kept from voting. The Negro press asked the question, where was justice? Negro ministers asked the legislature to enforce impartially the constitutional provisions for the franchise. Negro Suffrage Leagues were organized over the state³ and white newspapers were appealed to use their good offices with the best whites in order to secure the ballot to qualified Negroes. It was around or out of this core of dissatisfied Negroes that a new leadership was born.⁴

²Montgomery Colored Alabamian, March 28, 1914.

³Birmingham Voice of the People, January 8, 1916; Montgomery Emancipator, February 8, 1919; Chattanooga Tennessee Independent, January 1, 1920. See Daily Talladega Home, February 17, March 2, 1912.

⁴Birmingham Reporter, September 11, 1920; Birmingham News, September 20, 1920.

The Democratic party was impervious to the plea of granting the ballot to qualified Negroes. It consoled itself with the idea that the Negro was politically dead, and must so remain. He was valuable for apportionment only. The party instead turned its attention for the next fifteen years to prohibition, the white primary, and other state business.⁵

In the Republican camp, the "Lily White" opened a campaign in 1914 to gain control of the party and to eliminate the Negro. The Jefferson County Republican party was the first to expel Negroes from its ranks. This move caused the Republicans to lose the bulk of their support in the seventeen Black Belt counties.⁶

Negroes retaliated against this move of the "Lily Whites" by setting up a Negro Republican party. Dr. Ulrich G. Mason and John Diffay, leaders of the movement, called for a convention to assemble at Birmingham. Two hundred Negroes attended. The convention denounced the "Lily Whites," the reluctance of Negroes to qualify, and the evasiveness of the National party. Plans were made to organize the voters in the state and to set up a state central committee. Negroes, as had been the case in the past, fail-

⁵Birmingham Colored Alabamian, April 20, 1912; Chicago Tribune, January 10, 11, and 25, 1917. Also see James B. Sellers, Prohibition Movement in Alabama (Chapel Hill, 1943), 81.

⁶Montgomery Advertiser, July 12, 1914.

ed to support the movement. Negroes of Montgomery sent three white delegates to the State Republican Convention. These same delegates later voted to exclude Negroes from the party.⁷ The Alabamian reprimanded the Montgomery Negroes and told them to kill the dangerous "Lily White" machine because it was subversive of Republican doctrines.⁸

In the absence of state committeeman J. O. Thompson, the state convention ousted all Negroes and for the first time in Alabama held a "Lily White" convention which the Negroes generally ignored.⁹ Later Thompson repudiated the action of the "Lily Whites." He said that the party had gone farther toward eliminating the Negro from politics than the Democrats, that the Fifteenth Amendment could not be nullified, nor could the Negro be thrown out at will. The "Lily Whites" refused to recant. They held all their later meetings in segregated halls--a practice repudiated by the National party.¹⁰

By 1916, however, the "Lily Whites" had convinced the National Republican Convention that the organization

⁷ Birmingham Ledger, July 23, 1914.

⁸ Birmingham Colored Alabamian, July 18, 1914.

⁹ Marion Indiana-Leader Tribune, July 24, 1914; Dallas Texas News, July 24, 1914; Atlanta Constitution, July 27, 1914.

¹⁰ Birmingham Voice of the People, July 11, 1914; New York Age, July 30, 1914.

should be taken out of the hands of the Negro.¹¹ At a convention held at the Bijou Theatre in Birmingham, the "Lily Whites" drove the Negroes out. In defense of their rights in the party, Negroes organized "The Abraham Lincoln Suffrage League of Alabama." This organization assumed the responsibility of persuading the National Republican Executive Committee to enforce the Fifteenth Amendment, and made a complaint to the governor of the state against the arbitrary action of the registrars in refusing to register qualified Negroes. The committee refused to act on the complaint. This marked the end of organized Republicanism in the state so far as the Negro was concerned, and for that matter, the "Lily Whites" too. Negroes did manage to send one last delegate, James J. Peterson of Mobile, to the 1916 National convention in an official capacity.¹²

Completely disgusted with Republican tactics, Negroes turned their attention to abolition or circumvention of the control devices set up by the Democratic party. They also came to the conclusion that political restitution for them lay within the Democratic party--the "white supremacists" party.

In Alabama the Negro did not aim his attack at the

¹¹Montgomery Advertiser, May 21, 1916. Also see St. Louis Argus, June 11, 1920; and Cleveland Advocate, June 5, 1920.

¹²Birmingham Age-Herald, March 27, 1916. See Negro Year Book, 1931-1932 (Tuskegee, 1932), 93-209.

white primary as had been the case in several other southern states. He felt that the registrars, rather than the primary, were his greatest obstacle--and he still thinks so. Because of the failure of the Negro to test the white primary law, the Democratic party did not make any significant changes in the law from 1915 to 1931.¹³ The party considered the primary as the place of retreat for whites only, and looked to the Supreme Court of the United States to keep it that way. Pleas of the Methodist Episcopal Church and other organizations that the party investigate the inequalities under the white primary were ignored. The prohibition of Negro participation, and the buying and selling of votes continued. The philosophy of the attainment of a "clean" white primary was left to the dreamers of tomorrow.¹⁴

In directing their attack against the registrars, Negroes were aware of the fact that in practice the registrars were accountable only to God. They were appointed by a board consisting of the governor, auditor, and commissioner of agriculture and industries, who, according to the law, also had the power of removal. However, once appointed the registrars were free agents who might or might not follow

¹³Code of Alabama, 1940, Title 17, Sections 12 and 17; Montgomery Advertiser, January 23, 1931.

¹⁴Montgomery Advertiser, August 5, 1929; Chicago Tribune, March 1, 1928.

the law. They could make all the necessary rules and regulations, and could, according to their judgment, do what they deemed expedient. No educational or other criteria were set for measuring the ability of the appointees. Their effectiveness was attested by the fact that by 1930 only between 1,500 and 1,800 were registered in the entire state. This continuous decrease was fought at every turn by a few determined Negroes.¹⁵

Negroes chose populous and wealthy Birmingham as the initial battleground. It seemed that the Jefferson County board of registrars was the most ingenious inventor of subterfuges for getting around Negro registration.

The campaign of Negro would-be registrants against boards of registrars got underway in January, 1926, with the "Indiana Little Affair." Mrs. Indiana Little, school teacher of Birmingham, led 1,000 Negro women and a few men before the board of registrars and demanded the right to vote as "American citizens." Mrs. Little accused the registrars of giving intelligence tests to Negroes but not to whites. This militant Negro political leader was arrested and charged with vagrancy, of being too boisterous, and of misconduct. Later she was released on a \$300 bond. Not a single one of the thousand was registered. Mrs. Little

¹⁵Donald S. Strong, Registration of Voters in Alabama, (University, 1956), 4-14.

asked the Department of Justice of the United States to look into the matter. There were 500 Negroes registered in Jefferson County at this time.¹⁶

A day or so later, the Ex-soldiers' Coöperative Association Inc. appealed to Governor William W. Brandon in behalf of Negroes who desired to register. The association said that 2,500 veterans had been denied the right to vote and that Mrs. Little was the wife and the sister of a soldier. Governor Brandon replied that he had no jurisdiction over the registrars and that the remedy lay with the courts.¹⁷ In the meantime, William B. Poole, agent of the Justice Department, was sent to investigate the Jefferson County board. The registrars declared to him that whites and blacks received the same treatment and that a number of Negroes had been registered.¹⁸

It took ten years for Negroes to reorganize and capitalize upon the favorable political sentiment created by the "Indiana Little Affair." Birmingham once more was chosen as the battle ground. The campaign opened in 1937 with a battle hymn, "Gonna Register." The words of the hymn were: "Negroes voting with the whites will put across

¹⁶Montgomery Advertiser, January 19 and 20, 1926; Montgomery Journal, January 21, 1926; Columbus Inquirer, January 20, 1926.

¹⁷Chicago Bee, January 20, 1926.

¹⁸Montgomery Advertiser, January 20 and 21, 1926.

the Bill of Rights, Jim Crow voting now is dead, Gonna have Democracy instead, Gonna Register."¹⁹

Negroes sought ground for a suit at law against the registrars. The registrars' office was flooded with applicants, and as usual practically all were denied registration. Negroes petitioned the court for a writ of mandamus ordering members of the board to place all petitioners on the voting list. The petition was denied and the petitioners made preparation for an appeal, but before the appeal could be heard, and without the presence of an election, they were notified that the board had accepted all as legal voters. This type of ruse was to be used many times over by the various boards to keep the courts from ruling on their undemocratic practices.²⁰

Blocked in their first attempt to get a clear case, Negroes planned new strategy. From two to four thousand Negroes were to present themselves in moderately sized groups before the board for certification. Failure on the part of the board to certify any one of the groups would be grounds for a court suit. The board turned down some of the most qualified among them, but even this time Negroes

¹⁹Kansas City Call, December 17, 1937.

²⁰Savannah Tribune, June 29, 1939; Atlanta Daily World, July 1, 1939.

were unsuccessful in their attempt to instigate a suit.²¹

In the meantime, Negroes in other cities were organizing registration drives. At Dothan, nine Negroes tried to register in 1937. One of them, Marion Hawks, leading Negro undertaker, tried three times and was refused. The board told him that it would check and see if Negroes were barred by the "grandfather clause," which had been dead in Alabama since 1903. By 1945, the attitude of the board had changed. Sixty Negroes were added to the list and were being sought after by white political candidates.²²

At Montgomery, Rev. William H. Hogan, candidate for the Ph.D. degree, former teacher at State Teachers College,

²¹Opelika News, June 27, 1939; Huntsville Times, June 25, 1939; New York Daily Worker, July 29, 1939. Between 1939 and 1945 Negroes instigated at least three suits against the board of registrars of Jefferson and Montgomery counties alleging that the boards had failed to register them and other members of the Negro race because of color. W. L. Patterson and Pastora Vinson were plaintiffs in the Jefferson County suits, General P. Madison in the Montgomery County suit. The Federal District Court dismissed the Patterson and Vinson cases on the grounds that plaintiffs could not act on behalf of other Negroes in bringing suit to compel the Jefferson County Registrars to register qualified Negro voters without asking them to meet a special test that, it was charged, whites do not have to meet. The Madison case was dismissed by the Alabama Circuit Court on the grounds that the plaintiff had failed to file appeal within the thirty-day limit; therefore the court was without jurisdiction. The court refused to discuss other questions. For Patterson and Vinson cases see Chicago Defender, September 19, 1942; Birmingham News May 29, 1945; Birmingham Age-Herald, December 1, 1945. The Madison case is cited Madison v. Nunnelee et al., 266 Alabama 325 (1945).

²²Dothan Eagle, October 8, 1937; Houston, Texas Informer, March 24, 1945.

after several rebuffs asked two white men to vouch for him before the board. He was registered. The board chairman warned the white men who vouched for him, "I'll approve him but don't ever bring this class person here again."

For the new campaign against the board, Negroes of Birmingham had a working understanding with Negroes of Mobile and Tuskegee. They felt assured of getting enough evidence this time to make a test case stand up in court. At Birmingham, Negro applicants flooded the board who in turn sought new subterfuges. Ambiguous questions were devised;²⁴ deputies with pistols patrolled the halls; soldiers with medical discharges were told that they were not well enough to vote; Negro college students were told that they could not understand the constitution nor even the preamble. In one case, a Negro teacher appeared before the board five times without passing. The situation was so ridiculous that leading Democrats and city newspapers came to the Negro's rescue.²⁵

²³Montgomery Advertiser, November 1, 1943; Atlanta Daily World, October 14, 1945.

²⁴Birmingham News, February 10 and August 29, 1945; Kansas City Call, May 10, 1942.

²⁵Baltimore Afro-American, August 25, 1945; Chicago Defender, March 3, 1945; Los Angeles Tribune, January 22, 1945. For questions asked by registrars see Strong, Registration, 30-78.

At Tuskegee, the Civic Association set up classes to enlighten the applicants, but such efforts were in vain. Of the 22,000 would-be registrants that had passed from time to time before the board, only 110 had been accepted.²⁶ Twenty-five veterans signed affidavits stating that they had been refused registration by the board and engaged a lawyer. At this point the entire board resigned. One board member said that Negro registration was too hot to handle. Another said that he was in favor of letting some qualified Negroes register but would not sign a certificate for mass registration. Negroes asked Governor Chauncey Sparks to appoint Negroes as registrars. The governor refused.²⁷

The board at Mobile took direct action against Negro registration. First, the board removed all Negro professional vouchers. One of them, seventy-two year old Napoleon Rivers, had his skull fractured by the police. Second, the board brought a suit against one of the leaders, J. L. LaFlore, United States postal worker. The suit alleged that LaFlore had violated the Federal Civil Service

²⁶Montgomery Advertiser, October 4 and 6, 1946; December 19, 1947.

²⁷Chicago Defender, June 24, 1946; Birmingham News, October 18, 1946. At various periods registrars have resigned in Macon County whenever Negro pressure to register became too great. Several months would elapse before a new board could be appointed. In the meantime, all registration, black and white, ceased. Later, however, Sparks appointed the present white citizen council head, Sam Englehardt, as registrar.

regulation by his "unusual political activity." On the recommendation of Thurgood Marshall, N.A.A.C.P. attorney, to Postmaster-General Robert E. Hannegan, the suit was dismissed as "spite action."²⁸

Negroes during this last campaign obtained evidence for several suits at law. In the first suit, William Boswell and seven other petitioners represented by Birmingham's Negro attorney, Arthur Shores, asked the courts to determine their fitness as electors. The suit named the three registrars of Jefferson County as defendants. The Supreme Court of Alabama denied the petitioners the right to have the court decide their fitness as voters. William Boswell, alone, decided to carry the case to the Supreme Court of the United States. On demurrer the board claimed that Boswell had been a registered voter since 1940. The board claimed that it "just had not gotten around to informing him." The suit was dismissed.²⁹

At Montgomery, Attorney Arthur A. Madison in the name of his clients requested Governor Sparks to discharge the registrars for violating election statutes and filed petitions of appeal to the Montgomery Circuit Court charging colored people were denied the right to register. A few

²⁸Chicago Defender, February 16 and July 6, 1946; Baltimore Afro-American, February 16 and 23, 1946.

²⁹Boswell v. Bethea, 242 Alabama Reports 292 (1942); St. Louis Argus, September 27, 1940; Oklahoma City Black Dispatch, February 21, 1942.

days later, economic pressure and intimidation forced the petitioners to deny that they had employed Attorney Madison to make the appeal. Madison was thrown in jail and later disbarred. The suit was dropped.³⁰

Negroes had been rebuffed by the courts at every turn. They had one strong suit left, Mitchell v. Wright.³¹ This case caused a great deal of concern to the Black Belt white supremacists since it arose in Macon County where Negroes outnumber whites eight to one, and where Tuskegee Institute is located. William F. Mitchell charged the Macon County board with requiring Negroes to submit to tests not required of white electors. Mitchell was denied remedy by the Federal courts. The court said he had not shown discrimination because of color or race, and had failed to establish a class action--there being no ground for the latter since registration is an individual matter determined by the constitution and statutes. However, the Macon County board as early as 1943 had spotted Mitchell as a "trouble maker" and secretly registered him without notifying him. He was informed of his registration four years later. In the law courts the Negro had failed to

³⁰Montgomery Advertiser, February 9, 1944; Birmingham Post-Herald, June 13, 1944; Louisville Courier-Journal, April 19, 1944.

³¹Mitchell v. Wright, 154 F (2) 924 (1946); 62 Federal Supplement 580 (1947). See Hawkins v. Vines, 259 Alabama 165 (1947).

get justice against the illegal practices of the registrars in the state.³²

In December, 1949, Governor James Folsom decided that he had had enough of the antics of the Jefferson County board of registrars and others. He called the state board together to investigate the charges listed by his Veterans Investigation Committee and rejected applicants. The board of registrars of Jefferson county was accused, among other things, of conspiring against Negroes, setting quotas, slowing down registration, and abusing judicial power.³³ The board denied the charges and by counter-charges accused the governor of trying to intimidate it. A Grand Jury investigating the board recommended dismissal because the board was biased, unfair, of low educational standards, old, and bigoted. Nothing

³²Birmingham Age-Herald, October 13, 1945; Montgomery Advertiser, September 6, 1945. Also see O. D. Weeks, "The White Primary: 1944-1948," American Political Science Review, (1948), LXII, 500-510; Philadelphia Tribune, August 18, 1945.

³³Birmingham News, November 19, December 26, 1949; January 5, 16, 19, and 24, 1950; Montgomery Advertiser, August 2 and 16, 1949.

was ever heard from the report.³⁴

In the meantime, the Supreme Court of the United States, unheralded and to a great extent unnoticed in Alabama, was rapidly tearing away the supporting pillars of the white primary. In 1927, 1932, and 1935,³⁵ the Supreme Court had lulled the white supremacists into a false sense of security by supporting the evasive tactics of the Democratic leaders in Texas. Then suddenly in 1944 the court reversed its stand on the white primary, and held that exclusion from the party on grounds of race violated

³⁴Strong, Registration of Voters, 48-64; Norfolk Journal and Guide, April 19, 1952. Two Montgomery Negroes, Arthur Glass and Lucius Smiley, served on the Veterans Investigation Committee. Folsom by this move guaranteed himself practically 50,000 Negro voters in 1954.

Folsom's attitude toward Negro voting was summed up in a speech that he made near the close of his first administration. He asked for a more tolerant attitude towards Negroes who he said, "have been neglected too long."

"We cannot stick our heads in the sand," Folsom said, "and let the world march by without direction, without planning. The Negroes are a part of our state and our leaders have got to plan for their welfare, their needs along with the rest of their planning. Too many Negroes have maliciously been denied the right to vote...that is not democracy in any man's language." Montgomery Advertiser, January 10, 1951.

Folsom opposed the Boswell Amendment as being too undemocratic. Montgomery Advertiser, November 9, 1946.

³⁵See Nixon v. Herndon, 273 U.S. 536 (1927); Nixon v. Condon, 286 U.S. 73 (1932); Grovey v. Townsend, 295 U.S. 45 (1935).

the Fifteenth Amendment.³⁶ This ruling caught the Alabama Democratic party off guard.

For the next two years the party floundered about trying first one remedy and then the other in its attempt to evade the 1944 ruling. At the same time the Justice Department called the titular head of the Democratic party in Alabama, Gessner T. McCorvey, into question concerning

³⁶Smith v. Allwright, 321 U.S. 649 (1944). In 1923, Texas forbade the participation of Negroes in the Democratic primary. Negroes in many areas of the state still voted in spite of the ruling. One of them, Dr. L. A. Nixon of El Paso, in the Supreme Court of the United States said that he had been deprived of equal protection of the law, that color could not be made the basis of a statutory classification--thus prohibiting the exclusion of Negroes by legislative enactment. Nixon v. Herndon, 273 U.S. 536 (1927).

The Texas Legislature then empowered the Executive Committee of the Democratic party to make all rules governing admission of members to the party. Applications were limited to white Democrats. In 1932, Dr. Nixon challenged this rule of the party. The Supreme Court of the United States said that a state could not delegate to others powers declared unconstitutional for the state to exercise. All that the Court had affirmed so far was that a state could not exclude Negroes by legislation nor delegate that power to an agency. Nixon v. Condon, 286 U.S. 73 (1932).

The situation of the Negro was not improved by the decision of the Court in the Grovey case of 1934. The Court in this case held that the denial of the right to vote to a Negro under new party rules in Texas did not violate the Constitution. Grovey v. Townsend, 295 U.S. 45 (1935).

In 1944 the Grovey decision was reversed, and the right of the Negro to vote in the primaries was upheld. The Court struck directly at states permitting private organizations to practice racial discrimination in elections. A political party that chooses candidates for state office in a primary conducted by it and at the expense of the members is in so doing an agency of the state, and may not under the Constitution exclude Negroes by adopting resolutions restricting party membership to whites. Smith v. Allwright, 321 U.S. 649 (1944).

the denial of the right of Negroes to vote in the primary. An anticipated suit at law against the party was dropped as a result of an "understanding" between McCorvey and the Justice Department that there would be no further interference with the rights of Negroes to vote.³⁷ Negroes in a memorial to the party asked for their just share--the right to participate in the state government.³⁸

When at last the party felt that it had a legal evasive device that would stand up in court, it instructed the

³⁷Chicago Defender, September 28, 1946.

³⁸Alexander Heard, A Two-Party South? (Chapel Hill, 1952), 190. Three obstacles, registrars, the white primary, and poll taxes faced the Negro voter in Alabama. The poll tax was the least obnoxious. Its payment was on a voluntary basis and was only necessary in case one was able to surmount the other two obstacles.

The execution of the white primary, in theory closed to all but white voters, was left pretty much in the hands of local officials. Thus, in some areas a few Negroes always voted in the primary elections and the whites made little fuss over the fact. In short, the white primary law with a few minor changes remained the same from 1902 to 1930. Therefore the Allwright case created only a minor disturbance. In the two year interval between the Allwright decision and the passage of the Boswell Amendment, the "big mules," industrialists, and planters saw an opportunity to limit further the franchise to a more easily controlled electorate. But instead of strengthening the primary, they chose to place more safeguards around the registrars as had been the case in 1901. Discretion was to be left in the hands of the registrars; they alone could stop Negro mass registration and thus form the "last defense of white supremacy." See Dadeville Record, December 14, 1933; Birmingham Age-Herald, September 17, 1946; Birmingham News, October 3, 21 and 30, 1946; Montgomery Advertiser, October 10, 18, 22, 27 and 30, 1946.

Executive Committee in 1946 to open the door to Negro participation in the Democratic white primary. The door had been closed to Negroes in some areas for seventy-five years. But to enter the primary, the Negro had first to satisfy the registrars that he could comply with all of the provisions outlined in the Boswell Amendment, the new evasive device.

This amendment was sponsored by E. C. Boswell of Geneva County, a man with a "gospel" to save white supremacy but who at the same time was not a bona fide registered voter of the state.³⁹ The proposed amendment revised section 181 of the suffrage article in the constitution of 1901 which contained the literacy and property clauses. It also made it mandatory that new applicants be able to read and write, to understand and explain any article of the Constitution of the United States; be employed the greater part of twelve months next preceding the time they offer to register; be of good character and understand the duties and obligations of a good citizen under a republican form of government. Property qualifications could not be substituted for the literacy test. The key passage of the amendment was, "read and write, understand and explain any

³⁹In 1915, Boswell was convicted of false pretense which automatically removed his rights of citizenship, including the right to vote, until a pardon was issued. Forty-one years later the pardon was granted. Montgomery Advertiser, January 13 and February 15, 1956.

article of the Constitution of the United States."⁴⁰

In the campaign for ratification proponents of the amendment generally maintained that the measure would stop wholesale frauds at the ballot box, legally support white supremacy, lead to an enlightened democracy, prevent social equality with a group that had no sense of obligation, and would insure the form of government handed down by white fathers.⁴¹ One proponent from the Black Belt said that the amendment would prohibit 6,000 Negroes in his area from registering and voting, thus saving "white supremacy." He said further that the Negro did not belong in a white man's voting box.⁴² Governor Sparks told the people that the amendment was needed to stop the average Negro, who owned a car worth more than the \$300 worth of property required by the constitution, from gaining an unrestrictive ballot. A 200-member advisory committee with a \$35,000 budget was set up to direct the fight for adoption of the amendment. Four of the six living members of the 1901 constitutional convention served on this committee.⁴³

⁴⁰The Constitution of the State of Alabama and Amendments (Montgomery, 1950), 133-34. See Walter B. Jones, Citizenship and Voting in Alabama (Montgomery, 1947), 63-70.

⁴¹Montgomery Advertiser, September 9, 1946; Birmingham Age-Herald, October 12, 1946; Birmingham News, October 30, 1946.

⁴²Montgomery Advertiser, September 25 and 26, 1946; "Alabama Keeps 'White' Elections," Christian Century, LXIII (1946), 1451.

⁴³Montgomery Advertiser, October 20 and 22, 1946.

Opponents of the measure said that it was undemocratic, dishonest, arbitrary, and a tool to be used by the Ku Klux Klan; that it would make of the registrars petty tribunals, and hurt the conscience of white Alabamians.⁴⁴ The foremost white Alabamian to oppose the Boswell Amendment was Richard T. Rives, at present the federal judge who ruled segregation on public buses unconstitutional. Judge Rives took the position that the "understand and explain" clause was "legalistic mumbo-jumbo." He said that the way would be laid open for federal suits to go directly to federal courts, and that such suits would make it impossible to get competent registrars; that such arbitrary power in incompetent hands was dangerous; that only "good Negroes" (those who could be controlled) would be encouraged to register; and finally, that the bill would rub a moral cancer on the character of the white man.⁴⁵ Several debates on the merits of the amendment were held over the state. Judge Rives took a prominent part in these debates.⁴⁶

⁴⁴Vera C. Foster, "Boswellianism Technique in the Restriction of Negro voting," Phylon, XV (1949), 26-37; "The Right to Vote," New South, IV (1949), 3; Birmingham News, January 25, 1946.

⁴⁵Montgomery Advertiser, April 20 and October 22, 1946; Alabama Lawyer, VII, 291.

⁴⁶Montgomery Advertiser, September 13, October 6, 18, 30 and November 9, 1946.

Late in the campaign the Negro entered the fight against the amendment. Negro ministers set aside Sunday, November 3, 1946, as a day of prayer for the defeat of the "wicked and ungodly Boswell Amendment." Appeals were made to white religious leaders to use their influence to defeat a measure "designed to keep people from their God given rights." Negroes were told to vote "no" or against the amendment with the good white people. They were told to ask the whites why they had been denied the exercise of the franchise for fifty-six years.⁴⁷

In the November, 1946 election the amendment was ratified by a vote of 89,163 to 76,843, a margin of 12,320 votes. The amendment carried in forty-one counties and failed in twenty-six. After ratification, opponents said that the measure was unsound, obnoxious, intolerable, and a cheater of Negro rights to which no honest white man could adhere.⁴⁸

In 1947, Negroes organized "V.D.Day" or "Vote Defense Day." Through this drive they proposed to raise \$15,000 to defray the expenses of a test case on the Boswell Amendment, and bring legal action against boards which refused qualified Negroes the ballot. Part of the movement

⁴⁷ Ibid., October 16, 19, 27 and 31, 1946; Chicago Defender, June 15, 1946; New York Daily Worker, October 20, 1946.

⁴⁸ Montgomery Advertiser, November 10, 1946; Louisville Courier-Journal, November 7, 1946; New York Herald Tribune, March 29, 1949.

was labeled "operation suffrage."⁴⁹ On February 28, 1948, ten Negroes who were denied participation in the primary at Mobile brought suit, Davis v. Scheil, against the registrars. The court was asked by the Negroes to declare the Boswell Amendment void because it infringed upon the rights of Negroes of Mobile, "the most obnoxious part being to understand and explain the Federal Constitution." Each plaintiff asked for \$10,000 damages. The plaintiffs were joined by E. Otis Braxter, minister and student, who brought a similar suit at Birmingham. The United States Circuit Court of Appeals ruled the amendment unconstitutional but did not grant damages. On appeal the United States Supreme Court upheld the Circuit Court of Appeals. The Mobile County board of registrars was enjoined permanently from enforcing the requirements of the amendment. The amendment was too indefinite, and boards could apply any meaning or interpretation. The Court said that it amounted to a denial of equal protection of law guaranteed by the Fourteenth Amendment. The Court took cognizance of the fact that over a period of time somewhere between 1947 and March 1, 1948 sixty-five Negroes had been registered and fifty-seven rejected because they could not "understand and explain" the Constitution. The registrars throughout their full term had not asked one of the 2,800 whites registered to explain the Constitution. Furthermore, the Bos-

⁴⁹Pittsburg Courier, October 18-24 and November 15, 1947; Foster, "Boswellianism," 35-37.

well Amendment violated the Fifteenth Amendment both in intent and effect.⁵⁰

Alabama's reply to the outlawing of the Boswell Amendment was the adoption of the Voter Qualification Amendment of 1951 sometimes called the "Bonner Amendment" or "Little Boswell" Amendment. The first Voter Qualification Amendment introduced in the House passed in 1949 but was filibustered to death in the Senate by a few of Governor Folsom's stalwarts. It was not until the session in 1951 that the new amendment passed the legislature; and after the state supreme court had assured the legislature that it saw nothing in the amendment that showed intent to "discriminate against anyone," or infringe on the Fourteenth and Fifteenth amendments.⁵¹

The Voter Qualification Amendment restricted registration to those who could read and write any article of the Constitution of the United States, were of good character, and understood the duties and obligations of citizenship. Members of the board of registrars were constituted and declared to be "Judicial Officers," to determine judicially whether applicants to register had the proper qualifications. The justices of the state supreme court were ordered to prepare a questionnaire to be used by the regis-

⁵⁰Davis v. Schell, 336 U.S. 932 (1948); 81 Federal Supplement 872 (1949); New York Herald-Tribune, April 15, 1949.

⁵¹Birmingham News, May 20 and June 23, 1951.

trars in aiding them to pass upon the qualification of each applicant.⁵²

During the campaign for ratification of the Voter Qualification Amendment, Negro opposition was spearheaded by the National Association for the Advancement of Colored People. The whites were reminded that when they allowed restriction of the ballot on racial grounds they paved the way for torrents of bigotry that would be turned against poor whites, labor unions, religious and geographical groups; and that the new amendment would make legal the old illegal methods practiced against Negroes. In a petition to whites, Negroes said that they were alarmed over the attempt of the whites to deprive them of certain fundamental rights of citizenship contrary to the established concepts of democracy; that the new bill would not improve the quality of votes in the state; and that it would make a mockery of Democracy.⁵³

Again Attorney Rives led the white opposition and predicted that the amendment would be outlawed like the Boswell Amendment. Opposing white dailies called the bill an unconstitutional measure which gave too much power to the

⁵²Birmingham News, January 25 and February 7, 1949; Montgomery Advertiser, February 20, 1949; Negro Year Book 1952, p. 306.

⁵³Pittsburgh Courier, September 29, 1951; Birmingham World, September 21, 1951; Montgomery Advertiser, August 22, 1951.

registrars and which could be turned against any minority.⁵⁴ The author of the bill, J. Miller Bonner of Negro-voteless Wilcox County and father-in-law of the present White Citizen Council head, Sam Engelhardt, denied the charges and said that it would only insure white supremacy. Other advocates said it was not aimed at the Negro. Inescapable, however, was the fact that it was sponsored by the same white supremacy advocates who stood behind the Boswell law.⁵⁵

In December, 1951, the Voter Qualification Amendment became a part of the constitution. The vote for ratification was 60,357 to 59,988, a favorable margin of 369. One newspaper accused stay-at-home Negroes of ratifying the law. Only 2,000 of the 4,500 qualified Negro voters in Jefferson County voted, 1,000 of the 2,500 in Mobile, and 900 of 1,500 in Montgomery. A record turn out from any of the above counties would have defeated the law.⁵⁶ The Montgomery Advertiser and the Birmingham News said that the new law would grant greater leeway for subterfuges to election judges, and that it was unwise to let three board members

⁵⁴Birmingham Catholic Week, December 8, 1951; Washington Evening Star, December 9, 1951.

⁵⁵Louisville Courier-Journal, December 11, 12 and 13, 1951.

⁵⁶St. Louis Black Dispatch, December 18, 1951; Atlanta Daily World, January 5 and December 9, 1952.

decide on good character.⁵⁷ The law still remains to be successfully challenged by Negroes.

Other proposals affecting Negro suffrage before the legislature along with the Boswell Amendment would have separated activities of party from state, ~~given candidates~~ the right by law to reject and cast out Negro votes; permitted the state after elections to purchase votes from the party;⁵⁸ made the law clear to Negroes that they would not vote in the white man's government; set literacy tests by law;⁵⁹ gerrymandered Macon and adjoining counties so that a Negro majority would not exist in any of them; and enacted a voter-registration act. Only the latter proposal became law and applied to sixty-four of the sixty-seven counties. All voters had to re-register. It was hoped that this Voter-Registration Act would eliminate or purge a majority of Negroes from the voters list, especially in the Black Belt area.⁶⁰

⁵⁷Montgomery Advertiser, December 18, 1951; Birmingham News, December 30 and January 28, 1952.

⁵⁸Memphis Commercial Appeal, January 26, 1949.

⁵⁹Montgomery Advertiser, February 20, 1949.

⁶⁰Ibid., August 22, 1951; Birmingham News, March 28, April 5 and September 7, 1951; Pittsburgh Courier, September 29, 1951. The Voter-Registration Act was the handiwork of Sam Engelhardt who presently has been successful in persuading the legislature to gerrymander 400 of the 410 Negro voters out of the city limits of the town of Tuskegee. Negroes retaliated by setting in motion a boycott of the white merchants of Tuskegee. On July 16, 1957 Engelhardt introduced a measure to abolish Macon County and divide it among Montgomery, Elmore, Bullock, Lee, and Tallapoosa counties. He said that if the Civil Rights bill passed Congress Negroes would take charge of the county. See Montgomery Advertiser, July 17, 18, and 25, 1957.

The Voter Qualification Amendment with all of its gimmicks was not as reliable a supporter of "white supremacy" as the poll tax. But the trouble with the poll tax was that it also disfranchised whites. By 1909 it had disfranchised 100,000 white men; by 1940, 815,000 white men and women and 685,000 Negroes. The framers of the measure in 1901 thought that whites would pay the tax and Negroes would not. They considered it unthinkable that a white man would neglect such a high and sacred duty and voluntarily disfranchise himself. Yet, to the mortification of the framers, that was exactly what the whites did.⁶¹

For at least thirty-four years the Alabama legislature did nothing about the situation except to pass the Tenth Amendment to the Constitution in 1923 which exempted World War I Veterans from paying the poll tax.⁶² After 1934 the legislature began to allot more time to the various poll tax reform bills that came before it. The McCord bill,⁶³ which would have exempted 100,000 white men and women from all back taxes up to two years, was considered by the legislature in 1934. In 1935, a similar administration supported Conner bill⁶⁴ was killed by the Senate. Other

⁶¹Montgomery Colored Alabamian, November 20, 1909; Birmingham News, April 27, 1941.

⁶²Birmingham News, May 13, 1923.

⁶³Montgomery Advertiser, January 28, 1934.

⁶⁴Ibid., May 8, 1935.

similar bills, such as the Hode bill of 1945⁶⁵ and the Howell bill of 1947⁶⁶ which would have stricken out the cumulative feature of the 1901 poll tax bill were killed in legislative committees. In 1951, the McCary bill⁶⁷ was offered to the legislature and defeated. This bill would have prohibited the collection of poll taxes in fifty-seven counties. The other ten Negro-dominated Black Belt counties would have been permitted to keep the poll tax with its cumulative features.

Conservatives generally supported the poll tax. They argued that repeal would mean a long step backward, open the flood gates to Negroes, and open the doors to social equality.⁶⁸ They said that the tax had been made by the best minds in the state; that voting was a privilege rather than a right; that the schools would lose the tax revenue (which amounted to \$272,000 in 1940, approximately enough to operate the schools one day); and that the tax should remain in defiance of outside agitators including the Congress of the United States.⁶⁹

⁶⁵Alexander City Outlook, June 1, 1945.

⁶⁶Montgomery Advertiser, July 22, 1947.

⁶⁷Ibid., April 12, 1951; Birmingham News, July 19, 1951.

⁶⁸Atlanta Daily World, December 16, 1939; Dothan Eagle, August 16, 1940.

⁶⁹New Orleans Times Picayune, December 22, 1944; Gadsden News, July 3, 1944; Montgomery Advertiser, April 13, 1940; May 14 and September 19, 1944; February 22, 1945.

Negroes never liked the tax but accepted it nevertheless. By their newspapers, leaders, and Democratic clubs they were urged to pay the tax.⁷⁰ It was not until 1941 that the Negro offered any form of organized resistance to the tax. The "Southern Negro Youth Congress" organized "Abolish the Poll Tax" week. It was their intention or aim to focus Negro attention on practices at the polls, registration, and white primaries.⁷¹ There were many conjectures as to the reason of Negro apathy toward the tax. But William Brewer, a student of the tax technique in the South, came up with what appeared to be the best answer. He contended that the Negro, aware of the other barriers to voting, saw little help to be gained from the abolition of the poll tax.⁷²

Over a period of twenty years, 1917-1937, white opposition to the poll tax grew slowly. The white public reluctantly grasped the idea that more whites were being disfranchised than Negroes, especially white women. The Montgomery Advertiser called the poll tax a millstone around the necks of white women. In 1947, the Alabama Congress

⁷⁰Montgomery Colored Alabamian, January 11, 1913; Montgomery Advertiser, April 4, 1930.

⁷¹Columbia Palmetto Leader, March 1, 1941; Houston Negro Labor News, April 12, 1941.

⁷²Henry L. Moon, "The Negro Vote in the South; 1952," The Nation, CLXXV, 245-85; William M. Brewer, "The Poll Tax and the Poll Taxers," Journal of Negro History, XXIX (1944), 260-99.

of Parents and Teachers advocated repeal of the poll tax provision. The Congress was joined in this opinion in 1938 by the Communist candidate for governor, Robert Hall, by columnist John T. Graves of Birmingham, and by twenty-six of the living poll tax makers of 1901, and a few newspapers.⁷³

By 1945, white women of the state spearheaded the drive for repeal of the tax. Foremost in the fight were the Business and Professional Women's Club and the League of Women Voters. Spokesmen for the clubs said that the tax needed repealing because it was obsolete and outmoded, that the intent for which it has been originally proposed--as a Negro deterrent--had long since passed away and that the tax as it stood did not hinder Negroes as much as it did whites.⁷⁴ Other organizations that came to the support of the contentions of the women were the American Federation of Labor, the Birmingham Young Men Business Club, and the Jefferson County Teachers Association.⁷⁵ The Dothan Eagle, Montgomery Advertiser, Birmingham News, and Birmingham Post-

⁷³Montgomery Advertiser, January 20, 1917; Birmingham News, April 29, 1937; October 30, 1938; Fairhope Courier, December 8, 1938; Foley Onlooker, November 24, 1938; Cullman Weekly Review, November 11, 1943.

⁷⁴Montgomery Advertiser, April 12, 1951; April 26, 1953; Birmingham News, October 29, 1953; Atlanta Daily World, November 10, 1953.

⁷⁵Atlanta Daily World, May 2 and 12, 1945; Chicago Defe March 10, 1951.

Herald also concurred in the contentions. The platforms of all candidates for governor after 1945 carried an anti-poll tax plank, either for complete abolition or for abolition of the cumulative features.⁷⁶

By 1953, two things were evident: it was too difficult for a majority of whites and Negroes to qualify to vote, and there were too many safeguards to protect the ballot in the hands of a few. A reluctant legislature could not continue to overlook these factors nor ignore public sentiment for repeal. In May, 1953, it capitulated and passed the Meeks Bill. The cumulative feature of the poll tax which required all voters to pay \$1.50 yearly from age twenty-one to forty-five was cut to two years--the total cost to any voter was not to exceed \$3.00. According to a generally accepted interpretation of the law, persons past their forty-seventh birthdays did not owe any tax. They were to get a free vote regardless of what taxes they did or did not previously pay.⁷⁷

Next to the poll tax the most active deterrent force to Negro suffrage after 1921 was the Ku Klux Klan. It

⁷⁶See for example, Dothan Eagle, September 2, 1948; Montgomery Advertiser, September 10, 1944; May 20 and November 1, 1953; Birmingham News, March 23, 1945; December 17, 1953; Birmingham Post-Herald, May 16, 1944, December 7, 1953.

⁷⁷Acts of Alabama, Regular Session 1953, I, 159. The purpose of the Meeks Bill was to "entitle a person to vote at any election by the people, he...shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the two calendar years next preceding."

reigned supreme for eight years or more in Alabama.⁷⁸

The Klan claimed that its aims were free speech, free press, white supremacy; its motto, honor ones flag, promote public schools, serve the Protestant Church, fight for sanctity of the home, and promote respect for law.⁷⁹

The Klan claimed further that it needed to control all political offices in order to maintain "white supremacy." By 1927, it could boast that it controlled the governor's office, many sheriffs, and had friends on the high court.⁸⁰ The Klan said that it was the best friend that the Negro ever had, but that it would see that the Negro would never get political preferment or social equality. Under the pretense of keeping the public morals, the Klan flogged "uppity" Negroes who wanted the ballot.⁸¹ And in defense of such acts of violence, it maintained that it was not a "nigger whipping organization" but was a bulwark against the N.A.A.C.P., W.E.B. DuBois, and northern agitators who advocated social equality and the ballot for

⁷⁸Montgomery Emancipator, June 22, 1918; Memphis Commercial Appeal, November 20, 1921.

⁷⁹Atlanta Searchlight, December 16, 1922; Birmingham Post-Herald, February 5, 1921. Also see Library of Congress Quarterly Journal of Current Acquisitions (Washington, 1945) II, 2.

⁸⁰Montgomery Advertiser, May 9, 1925; August 18, 1927.

⁸¹Birmingham Reporter, June 10, 1922; W.E.B. DuBois, "Georgia, the Invisible Empire State," The Nation, XLIX (1925), 21.

Negroes.⁸²

This defense did not keep the Klan from coming under fire in the state even though its hold on the masses of Alabama was incredible--any person attempting to run for office without its blessing was almost sure of being defeated. The newspapers, headed by the Montgomery Advertiser, aided by Judge B. M. Miller of Camden, launched a campaign to annihilate the Klan. Montgomery, Birmingham, and Selma passed ordinances curbing its power. The civic clubs of Birmingham offered rewards for Klan beaters. Thanks to the above opposition the Klan strangulation hold on the state began to wane in 1928 and to break completely in 1935.⁸³

Now, to consider the results of circumvention--the aftermath. The Negro leaders were responsible more or less for whatever progress the Negro made over this period. They emerged with the new movement and grew in stature, strength, and confidence as time went on. However, most of these leaders were residents of the larger cities. No Negro leader of stature in Alabama appeared between the death of

⁸²Montgomery Advertiser, September 23, 1921; July 14, August 8, and September 16, 1927.

⁸³Ibid., September 17 and May 22, 1922; May 30 and August 2, 1923; March 17 and November 3, 1925; January 23, 1931; May 28, 1935; September 27, 1953; Pittsburg Courier, November 6, 1926. See Moore, Alabama, 782-87.

Booker Washington in 1915 and 1930. After 1930, they sprang up in all sections of the state with a singleness of purpose--to acquire for the qualified Negro the ballot. A few of the prominent ones were Charles Gomilion of Tuskegee; Edgar D. Nixon, Rufus Lewis, and James E. Pierce of Montgomery; Arthur Shores, Emory O. Jackson, and E. Paul Jones of Birmingham. These new leaders were more aggressive than the old, displayed less selfishness, and worked more as a unit. They enjoyed trust and seemingly the complete confidence of the masses. Where they led the masses followed.⁸⁴

These leaders were confronted in 1930, with a dilemma--they had to cling to a defunct "Lily White" Republican party or cast their lot with the Democratic "white supremacists." With misgivings they chose the latter because of its control over the election machinery at the local as well as the state level. They organized their own wing of the party, the Alabama Progressive Democratic Association. This organization proposed to bind Negroes together for political action, discover new leaders, seek new ways of making politics pay dividends, and educate the Negro anew

⁸⁴For names of Negro leaders in the state see Chicago Defender, August 18, 1945, and Memphis World, February 8, 1952. Also See J. E. Pierce, "Registration of Negro Voters in 1954" (Montgomery, 1956), 6, 7, 8, 10-18. (Mimeographed.)

to his duties as a free-minded voter.⁸⁵

Under the guidance of the new party, Negroes sought political office. The possibilities of such a move had been explored as early as 1942 by Attorney Arthur Shores. Shores filed his candidacy for the Alabama House of Representatives from Jefferson County and drew a line of red ink through the "white only" clause. When the chairman of the party learned that Shores was a Negro, he returned the fee and informed Shores that only whites could be elected officials in the State of Alabama.⁸⁶ Ten years later, and one year prior to the organization of the Negro Democratic party, the "white only" clause prevented K. J. Sullivan from running for a seat on the Birmingham city council. Negroes decided that if they were to seek office, they needed organized guidance.⁸⁷

In 1954, the Association sponsored Shores for the same post which had been denied him in 1942. This time he was allowed to run and polled 4,015 votes out of a possible 48,000 in a twenty-nine-candidate race.⁸⁸ Others sponsored by the Association were Edgar D. Nixon who lost his bid for

⁸⁵Birmingham News, November 16, 1953; Woodward, Jim Crow, 124-25.

⁸⁶Atlanta Daily World, March 21, 1942.

⁸⁷Birmingham World, October 31, 1952.

⁸⁸Birmingham World, May 7, 1954.

membership on the Montgomery County Democratic Executive Committee by less than 200 votes; Alexander L. Herman and Clarence H. Montgomery who were elected to the Mobile County Democratic Executive Committee; and Jessie P. Guzman who lost the race for a seat on the Macon County Board of Education.⁸⁹ Later, Demetrius Newton, Vernard F. Thomas, John A. Barney, and L. C. Lamar qualified for aldermanic races in their respective cities. All lost. At least one step had been accomplished: the Negro candidate had won the right to qualify.⁹⁰

From 1946 on, the Negro leader turned his attention to the organization of voters' drives. In collaboration with the C.I.O. and N.A.A.C.P., Negro leaders in 1946 organized drives in all counties except Negro-voteless Lowndes and Wilcox counties where a special vote commission was responsible for getting Negroes registered. The commission failed. Veterans in groups of 100 marched on the courthouse at Birmingham. Negro teachers of Birmingham in an assembly raised \$1,000 to pay for advertisements in four leading newspapers telling of their grievances against white disfranchisers.⁹¹ In other cities the drives were

⁸⁹Ibid.

⁹⁰Montgomery Advertiser, June 13, 1956.

⁹¹Birmingham News, January 25, 1946; New York Daily Worker, January 28, 1946.

called "Crusade for ballots," "Fair deal to Negroes," and the "ballot budget plan." Under the latter plan ten Negroes were to present themselves for registration each day until the county's quota of 100 had been exhausted. Questionnaires which included the wants and needs of the Negro constituents were presented to white candidates to be filled out. If the candidate answered favorably, his name was presented to Negro voters for their consideration.⁹²

The above efforts stimulated the organization of other groups dedicated to the task of obtaining the ballot. They were: Negro Voters League, Right to Vote Clubs, United Registration Committees,⁹³ Metropolitan Council of Negro Women, Abraham Lincoln Suffrage League of Alabama, National Negro Prayer Association, and Veterans Associations.⁹⁴ The psychology of mass association seemed to help to abate the Negro's fear. Also it seemed that the famous Scottsboro Case at Huntsville shook the common Negro on the streets out of his self-imposed lethargy.⁹⁵ So, in spite of the fact

⁹²Chicago Defender, August 18, 1946; Birmingham World, March 28, 1953. See Robert E. Davis, The American Negro's Dilemma: The Negro's Self-Imposed Predicament (New York, 1954), 25-130.

⁹³Birmingham News, January 31, 1938; Atlanta Daily World, September 18, 1937.

⁹⁴Atlanta Daily World, January 10, 1938; January 6, 1950.

⁹⁵Ibid., September 23, 1952; Montgomery Advertiser, December 20, 1946.

that Alabama was the most willful state in resorting to various subterfuges, the Negro common man followed his leader, organized, and insisted on his right to vote.⁹⁶

For all his efforts, what did the Negro gain? Only a small percentage of the 140,000 registered Negro voters in 1890 could qualify under the new constitution. Eight years after ratification of the constitution 3,742 Negroes had registered. By 1915, the figure had decreased by 742.⁹⁷ Even populous Birmingham with 85,280 eligible colored voters had only 352 on the rolls in 1928. The 20,000 colored veterans returning from World War I made little or no effort to get their names added to the voters list. In fact out of the 6,289 registrants for 1920 in Jefferson, Mobile, and Montgomery counties, none seemed to have been Negroes.⁹⁸

By 1930, the Negro vote had diminished to between 1,500 and 1,800. At this point the Negro voter began to stir and was later encouraged by the new National Democratic administration. At first individuals asserted their prerogative to vote. Bob Knox of Dothan, who had, to the surprise of everyone, been qualified since 1901, cast his

⁹⁶Birmingham Age-Herald, September 22, 1940; Richmond Planet, April 1, 1933; Chicago Defender, September 6, 1952.

⁹⁷Montgomery Colored Alabamian, January 11 and March 8, 1913; January 15, 1916; Birmingham Age-Herald, October 7, 1917.

⁹⁸Birmingham Age-Herald, December 9, 1919; Baltimore Afro-American, September 1, 1928.

first ballot in several years.⁹⁹ Dr. Robert R. Moton, President of Tuskegee Institute, acting as advisor to President Herbert Hoover cast a Democratic ballot in the state for Senator John Bankhead in 1932. Bankhead's rival, Tom Heflin, tried to throw the ballot out on the grounds that "only qualified white electors" might participate and the fact that Moton placed "Dr." before his name on the voter's list. Both accusations were ignored and the ballot was sustained.¹⁰⁰ Two years later the President of Alabama State College, Dr. H. C. Trenholm, was disqualified and prohibited from casting his ballot in the primary. He refused to be denied the right--his vote was sustained. The efforts and successes of these Negroes encouraged others to try.¹⁰¹

The vote stood somewhere between 1,800 and 2,000 for 1940. This was .39 of one per cent of the adult population of 511,779. The greatest gains were made after 1946. The figure rose to approximately 6,000.¹⁰²

⁹⁹Montgomery Advertiser, November 9, 1928; Birmingham World, November 11, 1940; Dothan Eagle, June 3, 1932.

¹⁰⁰Moton, What the Negro Thinks, 133-40; New York Amsterdam News, May 18, 1932; Anniston Star, May 27, 1932; Roanoke Leader, June 8, 1932; Foley Onlooker, June 23, 1932.

¹⁰¹Nashville Globe and Independent, May 11, 1935.

¹⁰²Charles W. Smith, Jr., Electorate in an Alabama Community (University, 1942), 9-18; John G. Van Deusen, Black Man in White America (Washington, 1938), 101; The Alabama Lawyer, III (1942), 291; Birmingham News, October 30, 1945; May 7, 1946; Key, Southern Politics, 522. See "Survey of Negro Voters for 1948-1955" made by J.M. Anders at State Teachers College, Jacksonville, Alabama (mimeographed.)

By 1952 there were around 25,596--an increase of something like 1,200 per cent for a twelve year period from 1940 to 1952. Yet, this total was only five per cent of the Negro population of voting age and only 3.2 per cent of the total qualified voters of the state.

Consider, for instance, Negro registration in the state for 1952 and 1954. Counties with a large Negro population were the most reluctant in registering Negro applicants. Table 2, illustrates the difficulty experienced by would-be Negro voters in twelve selected Black Belt counties. Negro population twenty-one years and over exceeded the white population of the same age by 48,544. Yet, only 1,325 or 1.27 per cent of the total number of Negroes eligible in 1952 were registered, and 2,238 of 2.16 per cent in 1954. Two counties, Lowndes and Wilcox, had no Negro voters in 1952 or 1954. The third county, Sumter, which failed to report in 1952, reported 250 registered in 1954. All other counties except Hale and Bullock showed increases for the two year period.

TABLE 2. NEGRO REGISTRATION
IN 12 SELECTED COUNTIES IN THE BLACK BELT (a)

Counties	White Population 21 years and over	Negro Population 21 years and over	Negroes Registered 1952	Negroes Registered 1954
Barbour	8,012	7,150	63	250
Bullock	2,633	5,423	7	6
Choctaw	4,912	4,819	12	67
Dallas	12,597	18,132	112	175
Green	1,820	6,624	21	165
Hale	3,680	7,038	300	126
Lowndes	2,057	6,514	none	none
Macon	3,081	14,526	700	855
Marengo	5,456	10,223	27	110
Ferry	3,757	6,349	83	234
Sumter	3,600	8,698	none	250
Wilcox	3,560	8,213	none	none
Totals	55,165	103,709	1325	2238

(a)Pierce, "Registration," 5.

Table 3 shows Negro registration for the whole state in 1952 and 1954. Negro population twenty-one years and over for the period was 511,779 out of 979,714 total population above twenty-one years of age. In 1952, there were 25,596 or 5.0 per cent of Negroes registered, and 49,162 or 9.6 per cent in 1954. The greatest gains in numbers for the two year period were shown in the four counties of Tuscaloosa, Walker, Mobile, and Escambia, but in percentage gained these counties would fall below several counties in 1954 that had small registrations in 1952. The total gain was 23,566, the greatest number of Negroes registered in such a short span of time since 1868. Negro registration in 1954 was 6.6 per cent of the total white registration for early 1955 with three counties not reporting. It is roughly estimated that there are 810,000 white registered voters in the sixty-seven counties today. Every county except Jefferson, Hale, and Bullock had an increase of Negro voters. The new Negro leadership, the awakening of the rank and file, the repeal of the Boswell Amendment, and the softening of the poll tax requirements share the greatest responsibility for the increase of Negro registration since 1930.

So far as Negro registration is concerned the counties of Alabama may be classified as follows: (1) "difficult" counties include Autauga, Barbour, Choctaw, Covington, Dallas, Elmore, Green, Hale, Jefferson, Macon, Marshall, Marengo, Monroe, Montgomery, Perry, and Sumter;

(2) "moderate" counties include Barbour, Bibb, Clarke, Coffee, Conecuh, Crenshaw, Fayette, Geneva, Houston, Lee, Madison, Mobile, Randolph, Pike, and Shelby; (3) "cordial and encouraging" are Baldwin, Butler, Calhoun, Chilton, Colbert, Coosa, Etowah, Jackson, Walker, and Washington; (4) "prohibited" are Lowndes, Wilcox, and Bullock. Though the latter at present has six registered Negro voters, there has been a decrease since 1952 and the registrars have refused to add new ones to the list.¹⁰³

¹⁰³See Birmingham News, February 11 and 19, 1949; "Right to Vote," New South, IV (1949), 3; Montgomery Advertiser, August 16 and November 20, 1949; June 21, 1957; Birmingham World, March 25, 1952; April 6, 1954; Pittsburgh Courier, September 8, 1954; Negro Year Book, 1952, p. 307; Montgomery Examiner, April 15, 1954; Pierce, "Registration," 18; Anders, "Survey," 1. The following pattern seems to emerge and probably should be expected. Urban Negroes were more energetic in securing the ballot than rural Negroes. All drives for new voters were organized and executed in the larger urban areas with the exception of Tuskegee. In many rural areas where whites encourage Negroes to vote, Negroes are reluctant about getting registered.

TABLE 3. NEGRO REGISTRATION BY COUNTIES
IN 1954 AND NUMBER OF VOTING AGE(a)

Counties	Negro Pop- ulation 21 years and over	Regis- tered in 1952	Regis- tered in 1954	Whites Reg- istered 1955
Autauga	4,036	15	46	4,560
Baldwin	4,473	--	515	13,669
Barbour	7,150	63	250	6,000
Bibb	2,797	65	295	5,400
Blount	425	--	87	10,500
Bullock	5,423	7	6	2,196
Butler	6,119	250	600	8,723
Calhoun	8,270	1,000	1,545	22,182
Chambers	7,170	20	625	No Report
Cherokee	734	55	165	6,954
Chilton	2,029	300	875	No Report
Choctaw	4,819	12	67	3,900
Clarke	6,422	100	400	7,832
Clay	1,010	84	84	7,122
Coffee	3,111	88	420	8,250
Cleburne	375	--	51	5,566
Colbert	4,516	--	756	12,000
Conecuh	4,427	52	550	3,360
Coosa	1,828	60	431	4,818
Covington	3,155	100	160	14,800
Crenshaw	2,799	--	469	7,000
Cullman	246	81	81	19,825
Dale	2,454	--	165	9,000
Dallas	18,132	112	175	No Report
DeKalb	438		215	21,887
Elmore	5,542	40	200	11,027
Escambia	5,072	200	1,250	8,998
Etowah	7,653	800	1,445	30,116
Fayette	1,497	150	243	7,600
Franklin	695	--	325	11,066
Geneva	1,685	--	250	7,000
Green	6,624	21	165	1,664
Hale	7,038	300	126	2,900
Henry	4,027	306	700	4,654
Houston	7,200	986	1,186	8,000

TABLE 3. (Continued)

Counties	Negro Pop- ulation 21 years and over	Regis- tered in 1952	Regis- tered in 1954	Whites Reg- istered 1955
Jackson	1,231	150	608	11,400
Jefferson	121,510	7,200	5,250	97,751
Lamar	1,199	7	100	8,500
Lauderdale	3,985	400	970	17,000
Lawrence	3,004	32	412	7,000
Lee	8,948	224	450	7,800
Limestone	4,007	--	1,200	8,318
Lowndes	6,514	--		2,471
Macon	14,526	700	855	2,875
Madison	10,223	900	1,120	18,000
Marengo	10,223	27	110	6,035
Marion	378	35	202	11,660
Marshall	596	--	2	15,000
Mobile	45,085	3,550	5,000	43,296
Monroe	5,914	1	100	4,800
Montgomery	34,065	1,300	2,150	23,500
Morgan	4,635	800	1,500	17,748
Perry	6,349	83	234	4,432
Pickens	5,544	--	517	5,516
Pike	6,863	30	567	8,765
Randolph	2,727	154	945	8,500
Russell	10,127	175	200	8,050
St. Clair	2,354	75	710	7,988
Shelby	3,362	20	351	8,700
Sumter	8,698	--	250	3,200
Talladega	9,310	1,017	1,726	16,200
Tallapoosa	5,073	200	500	12,000
Tuscaloosa	14,145	2,500	5,400	15,000
Walker	3,840	650	2,400	24,072
Washington	1,677	36	600	5,000
Wilcox	8,213	00	00	2,500
Winston	63	--	25	7,460
Total	511,779	25,596	49,377	738,906

(a) Pierce, "Registration," 6-8, 10-18; Anders, "Survey."

CHAPTER VI

CONCLUSION

Nearly one-half million Negro slaves were set free in Alabama in 1865 and a new social, political and economic order--disbelieved and denied by members of the old slaveocracy--was in the making. The first Reconstruction Act had permitted the military commander of the district to call for an election to a constitutional convention, select mixed registrars, and supervise a convention campaign. The 104,518 enrolled Negroes insured the holding of a convention and selected twenty Negroes as delegates. A new constitution was written and the Negro enfranchised. Bourbon opposition to and successful prevention of ratification of the new document was set aside by Congress and the Constitution of 1868 became effective.

The shock of federal adoption of the constitution along with other uncontrollable conditions drove the divided whites together and a Democratic union was formed with "white supremacy" as the goal. The chief opponent of this new union was the newly-organized Republican party which depended mainly on controlled Negro votes.

In 1870, the Republicans lost control of the state to the Democrats but with the aid of the enfranchised Negro regained control in 1872. Two years later the Republican

administration was overthrown by a solidly white supported "white supremacy" campaign.

The Bourbon administration immediately called a convention and wrote a constitution with enough restrictive clauses to ensure control "forever." Negro suffrage was left undisturbed since there was fear of federal intervention.

The Negro as a member of the legislature was more or less a victim of circumstances and was forced unwillingly into coalitions with the Scalawags and Carpetbaggers. After the adoption of the Constitution of 1875, he was denied privileges in the party of his choice and unwanted in the party of his former master. He fought back but to no avail. He was a mere "puppet" in the hands of skillful political "puppeteers."

Though free from any serious organized opposition, the Bourbons turned to the legislature to make their control more secure. The legislature passed election laws aimed at more rigid control of Negro votes and a secret ballot law. The Democratic party consolidated its ranks, frowned on dissension, and left control in the hands of the Executive Committee. Legal and illegal expedients were also used to control Negro votes.

Republican strength was greatly diminished by inter-party strife. Negroes, who were the life blood of the party, were constantly at odds with the "Lily White" faction over

patronage, and practically every year organized movements to run their own show. The "Top Brass" of Negro leadership fought among themselves; the lower echelon was constantly shifting positions; and the bewildered Negro masses sank slowly into a state of apathy only to be rescued and brought into prominence for a brief period by the Populist revolt.

The better entrenched Bourbons in 1890 faced for the first time a challenge to their rule. Some opposition before 1890 had come from the Greenbackers but such opposition had been a mere skirmish compared to the Populist revolt. The Negro vote became an invaluable premium coveted by a divided white electorate. It was sought after, pampered, and counted "in" rather than "out." The intense drive of the "Lily White" faction to sever the relationship of the Negro to the Republican party caused a demoralized, dejected Negro to become more susceptible to Democratic intrigue. The Negro generally did not adhere to Populists' pleas. In the end, Populism was sacrificed on the altar of white supremacy.

The Bourbons were now determined that a similar situation would never arise again. The one panacea offered by them was complete Negro disfranchisement. The Bourbons claimed that the Negro was a threat to white supremacy and was an evil force of corruption that needed checking. The Democrats called for a constitutional convention. The Negro masses opposed such a move. The Republican party vacillated

on the issue.

The convention was called. Negro petitions that entreated the convention not to disfranchise all Negroes were ignored. A suffrage provision was adopted that included a temporary plan and a permanent plan. The temporary plan was for the protection of the illiterate poor whites. It included a soldier, grandfather, and understanding clauses. The permanent plan included a two year resident requirement; literacy, education, and character tests; property qualifications; and poll tax requirements. The lengthened residence requirements were aimed at the migratory habits of the Negro. The poll tax was to be paid nine months before election and was cumulative from year to year.

In 1902 the Democrats took further steps to eliminate the Negro by adopting the white primary. The "Lily Whites" acquiesced in this move and looked forward to having two white parties in Alabama. The "Lily Whites" of course were unaware of the changing attitude of President Roosevelt toward Negro participation in Republican party activities. They were surprised to learn that the President was insisting that the Negro retain his rightful place in the party. In the meantime, Negroes were trying to recapture the lost ballot. They organized the colored Man's Association in order to test the constitutionality of the disfranchising provisions of the new state constitution and

the arbitrary power of the registrars. A suit was brought, but the Supreme Court of the United States failed to give the relief sought by the Negroes. By 1910 the Negroes had managed to get 3,752 enrolled on the voters list. This was 96,258 less than the number enrolled in 1900.

The return of the Negro to politics in Alabama was littered with heartbreaks and disappointments. Only a minority of Negro voices urged him to attempt to register and pay his poll taxes. The Democratic party was impervious to his plea for the ballot. In 1914 "Lily Whites" gained control of the party and expelled the Negro and even under pressure from the national party refused to recant. This move marked the end of the Republican party in Alabama. Then followed a decline of Negro voters in the state from 3,742 in 1910 to around 1,500 or 1,600 in 1930.

At this point the Negro took matters into his own hands and made plans to abolish or circumvent the control devices set up by the dominant party. He also came to the conclusion that political restitution lay within the Democratic party--the "white supremacists" party. Systematic and periodic attacks were made on the registrars and the evils of the registration process. Negroes did not attack directly the poll tax provisions; this task was left mainly to the white women of the state. In 1953 the tax was repealed.

Following the Allwright case of 1944 which struck down the white primary in Alabama, the Democratic Executive Committee and the registrars opened the registration doors to Negroes and then immediately closed them again with the Boswell Amendment. In 1951 the outlawed Boswell Amendment was replaced by the Voters Qualification Amendment which required voters to read and write any article of the Constitution of the United States and satisfactorily answer a questionnaire compiled by the justices of the state Supreme Court. The Amendment remains unchallenged. Under its provisions Negro registration increased more than fifty per cent and Negro candidates for the first time in more than fifty years offered themselves for public office.

But compared to surrounding states Alabama has approximately 110,023 fewer Negro voters than Georgia; 67,534 fewer than Florida; 36,634 fewer than Tennessee; and 31,366 more than Mississippi. Suffrage provisions in the constitutions of Tennessee and Florida are more liberal than Alabama. Both require one year residence, no educational or property requirements, non-cumulative poll tax, and primaries which are controlled by the Democratic party. Georgia's suffrage provisions are less liberal than the above two states but more liberal than Alabama's. Since only one year residence is required, there is no poll tax, and the new constitution does not mention primaries. The require-

ments of Mississippi and Alabama are practically the same except that Alabama up to 1953 had a cumulative poll tax which along with educational, residential, and property requirements made her registration process the most complicated and undemocratic in the South, or for that matter, in the United States. As one editor put it, "It takes guts to vote in Alabama."

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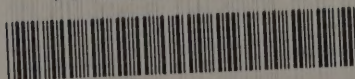
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